xCD

App. F. IX-4

1926. (Inward.)

File No. 3-26

Serial Nos. 1—12

Previous References

Mrs 323-08-1-2, 75 111 24-6.
" 1 2 47-1-2.
Agn 19-25-25, 27 28, 33, 35 etc
Mrs 100-92) 28: 22-21-234-27
" 5-74-21-1-2
" 22-21-1-2

Later References

Mrs 19-19-1-2, 11+12 28
Mrs 178-15-1-2
" 148-28-1-5
" 178-15-3-4
99-01-1-5
Mrs 17-30-1-2
Law 126-30-1-6
Mrs 180-33 1-2
Law 26-38-1-2
Mrs 166-34 1-2

General and Revenue Secretariat.

Serial Nos. 2

Part B for Mrs 1930

SUBJECT

Bhaktchinavaripa charitra.

G.O. No. 2749-50 dated 30.5.30

To the Mrs. Commr
" Collector

Govt have resolved to resume the lands and arrange for their management for the benefit of the Institution

F. R. S. 11] 1926-27

GENERAL AND REVENUE SECRETARIAT.

(Inner)

NOTES.

File No. 3-2

FILE HEADING.

Late R. B. Rakkhia Nanaappai Charities.

From

The Mag Cuddr in Negore

No. C-1368/25-26 Dated 1-6-26 Received 1-6-26

Diary No.	Enclos.	Spare Copies.	Serial No.
1447	1		

BRIEF ABSTRACT OF LETTER.

Requests that the entire file regarding the taking the Rakkhia Nanaappai Charities under Govt. management & any other papers may be sent to this office for reference.

NOTES AND ORDERS.

8-2 From T. Ramakrishnaraja, Weaver Charities, Negore. - Forward a copy of the Govt. passed by the Subordinate of Negore in the matter of the Charities in question, and prays that the Charities which are now mismanaged may be assumed under Govt. Control

NOTES—First Sheet.

WD 01264—GPB—40,000—17-12-25
[App. F. III—2

and Revenue Secretariat

Mur File No - 26 of 192 .

Serial No

Devasthanam order.

Revdee? - I may be favoured with Note on the subject refd to in this letter

Sd/ M. S.
2-7-25.

Minute No. 99 of 1901-02 ending with G.O.No. 2523-4/Jur2-100-92 dated the 23rd Feby 04 ~~for~~ the circumstances under which the Temple & Chattram built by the late Mr Bhakshi Narasappa were assumed under Govt management. After the demise of the founder, Mr. Narasappa and his widow Lakshmidevamma, Messrs. Shama Rau (the natural father of the adopted son of the late Narasappa) and C. Venkata Rau (who was the guardian of the minor adopted son, Krishnaswami Rau) applied to the Dy Comr to take over the Charities under Govt management, and on the recommendation of the Dy Comr, they were assumed under Govt control; & a del of Dharmadarsis were appointed as follows:—

1) Mr Shama Rau natural father of the minor.
2) " C. Venkata Rau B.A. Govt Comr.
3) " M. Venkata Krishnaiya Mr Merchant
4) The Vice President of the City Municipality Mahomedan Member

A scale of Expenditure was also

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eneral and Revenue Secretariat

Trusts File No 3 - 20 of 192 .

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x 14

x 7

proceed, a copy of which is in the notes in Mun file 323-08.

4) After Mr. Krishnaswami Rao attained his majority, he applied to Govt that the management should be handed over to him, and Mun file no. 323-08 deals with the matter. In G.O. No. 33-5x/Mun 323-08-14 dt 4-7-13 the Charities ~~have been~~ were ordered to be handed over to his management, subject to a condition (7x7) an undertaking being obtained from him by the Dy Comr to keep regular accounts of income & expdre and submit a yearly report on their management for the inspn of Govt through the Dy Comr.

5) The Advt J. Ramakrishnaya brings to notice that the Charities are mismanaged and their income misappropriated by Krishnaswami Rao for his own use, and prays that in the interests of the charities they may be assumed under Govt control.

6) The Mag Comr requests that all the files regarding the Charities may be sent to him for reference in connection with the recent visit of the Dy Comr that the Charities which are said to be mismanaged by the present manager may

NOTE— Contn. Sheet

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Serial No

DEWAN'S OFFICE.
Received on
14. JUL. 1926
Reg. No 2228

taken under Govt control.

7) If approved these files will after kind perusal be sent to the Mag: Cbtr and a detailed report on the subject called for for the orders of Govt.

Bds 10/7/26 Rev. Secy

10/7

Please put up a typed Tickl sheet

GRS 11-7-26

9) Immediate/ 12/7

10) A typed note is submitted below. (Jep)

Bds 12.7.26 Rev. Secy

12/7

11) Referring to the Dewan's minute dated 2-7-26 [Flag X] A typed note on Baksin Nanasahib's Charities is enclosed The Charities were under Govt management between 1904 and 1913 and were handed over to the Latin Nanasahib adopted son conditionally for a period of 2 years. One of the terms prescribed at the time was that a correct accounts shd be kept and a yearly report shd be submitted to Govt

12) Apparently this has not been done The MC ~~says~~ says that the DC reports that Mr Krishnaswami Rao has refused to submit accounts. After perusal of the files the files will be sent to MC for furnishing a report as requested by Govt. It is proposed to take the charities back again to Govt management.

Dewan)

14/7/26 The files may now be sent to him GRS 14-7-26 13-7-26 Jep 13/7

Sent Bds 13/7

NOTE—Contn. Sheet

WD 01264—GPB—40,000—17-12-25

General and Revenue Secretariat

Mur File No of 192[illegible].

Serial No	
	1) Draft subd. for approval R 12/7 Issue R 12/7
3	To. Mer Comm. No 109 dy 20.7.26 forwards for yr return certain Mer file (Recorded)
	Jun 23/7
	Fr. The Mysore Comm. in Mysore No C 1368 of 1925-26 dy 3. 8. 1926. Returns the files relating to the Bakshi Narsappas charities at Mysore which had been taken for reference. (16) Subd with a draft ~~letter. (R & R) for report~~ (Sending the ~~with reference~~ ~~letter. (R & R) for report~~) for approval. R 6/8-26 7.8.26 Rev. Secy) R 7/8
	(17) We may also ask the action proposed to be taken by the Re (MC) on the letter of the Dc referred to in this letter No 1368 dy 13.8.26. Draft as revised may issue
5.	To, Mer Comm. No 252 dy 10.8.26 Forwards for a detailed report para (6) (c) (2)
	Issue (as revised by Secy) R 9/8 9/8.26
	Jun 10/8

NOTE—Contn. Sheet

WD 01264—GPB—40,000—17-12-25

Serial No. 6

From the Mwz Comr No C. 1368 of 25.26 & 19.8.26 forwards copy of the Bg Govt letter read in his Ref on the subject as also copy of his reply to the Bg Govt indicating the lines on which action shd be taken.

PSD.

1) The copies of the Bg Govts report and the Mwz Comrs reply indicating the lines on which action shd be taken are subd for kind perusal.

2) The M.C. may be requested to call for report of action taken on the lines indicated by him & send it up to Govt for orders.

Bg
25/8/26 W Rev. Secy

A
26/8

Dept. Subd
Bg
28.8.26

Yes
27/8

7. To Mwz Commr No 4388 & 1.9.26
Requests him to call for a report from the D.C. and submit the same to Govt with his opinion.

NOTE—Contn Sheet

General and Revenue Secretariat

1204

Mez File No. 3

App. F. III—2]

of 1926

Serial No.	
8	From, the Inspl Commissioner, Letter no. 1368 Dt 7. 2. 1929 Submits the report called for on the management of the late Rao Bahadur Narasappa's charities at Mysore.
25	A copy of the D.C's report Dt 3-7-1928, and the M.C's report under reply, explain the facts of the case.
26	On account of the mismanagement of the charities the D C is of opinion that the temples, and the chattram built by the late Bahadur Narasappa in Kalyani maidan, Mysore, together with its inam lands, may be taken under Govt management, under Sec. 18 of the Mez Regn, while the M. C. Sec that as the issues are purely Mezrai in Sec 18 will not apply, & that the endowed lands can be resumed, the temple and the chattram being left under the management of Mr Krishna Samy Row for which same income is realized from the shops attached to them, and adds that if at any time in future, it is proved that the temples are mis-managed action may be taken under Secs 17 and 18 of the Mez. Regn.

NOTE—Contn. sheet

WD 021—GPR—20,000—21.8.28

General and Revenue Secretariat

1.04/1757

Jmus File No. 3

App F. II1 of 192 6.

Serial No.	
	27 Copies of Inam Settlement Registers pertaining to the lands in dispute are not available in the records, and a D/O requesting the Supdt., Rev. Survey, to transmit copies of Inam Registers together with copies of the Statement and other documents if any, filed at the Inam Settlement, is submitted for approval or orders
	Dy 1.3.29 1/3 — Dm 1/3
9	To The Survey Supdt No 1788 Dy 4-3-29 Calls for reference copies of the detailed Inam Registers pertaining the grant of Lands in Arjunahally & Kachunahally Kasbas in Yedatore Tk for the records of the Temple & Executive.
10	From, The Supdt., Rev Survey and Settlements in Mysore, Letter no. 156 Dy 27.4.29. Submits extract from the Inam Registers pertaining to the grant of Inam Lands in Mirle and Kachunahalli Villages in the Yedatore Taluk to Bakshi Rama Sappa's descendants.

NOTE—Contn. sheet

Serial No.

and adds that no grant of lands in Arjunahalli Village is traceable in the Inam records.

From. Mr. V. Krishnaswamy Rao, Manager

Petitioner's Dy 11th/14th May 29.

Prays that he may be heard before orders are passed

5 1 It will be seen from the Inam extract that the many lands in Melacheruvu Kachunahalli Vill. have been registered as Dharmadaya, and are intended for the benefit of the Anna chattram and temple of Sri Subrahmanyeswara (Vide Coln 15) in Kalyani Plain built by Bakshi Narasappa — The Inam Supdt. states that no grant of lands in Arjunahalli Village is traceable in the Inam records In para 4 of his letter Dy 3rd July 28, The D.C. states that the lands in Arjunahalli Kanal are reg'd as inam in the Patta granted to the Bakshi on 15.5.1861.

7 The D.C. holds that as the manager has committed breach of Trust in respect of the Dharmadaya lands in Kachunahalli and Arjunahalli Kanals and the temples & the chattram forming the charities, See 18 of the

NOTE—Contn. sheet

Serial No.

new Regn applies to the present case, and recommends that the instn & its properties may be taken under Govt management — Mr M. C. Stathy that as the instns are muz instns Sec. 18 will not apply, and recommends that the endowed lands can be resumed the temple and the chattram being left under the management of Mr Krishna Samy Rao for which there is a separate income realized from the shops attached to them. 30) As regards breach of trust in respect of the Dharmadaya lands, it will be seen from the limited file that heavy arrears of rent are due from the ryots of these lands in addition to any assessment due to the charities etc., and there is no information as to what amounts the manager collected from these lands, and made a private use thereof etc.

31 G.O. 9 July 1913 restoring the management to Mr Krishna Samy Rao directs that a Muchalika should be obtained from him to keep regular accounts of income and expenditure relating to the instns, and submit an annual report on their management

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It is seen from the D C's report that the original records leading to the order of 1913, are not forthcoming, and there is no information whether the Muchalikas were taken or not.

As regards the mutts themselves, it is reported by the D.C. on personal inspection, that the chattram building is in a state of bad repair, that 8 students are being fed in it, that Sri Subrahmanyeswara temple is in good repair and worships conducted regularly & the temple attracts devotees at all times of the day, and that Sri Anjaneya swamy temple is also in a fair state of repair, though some mortar pointing is need

were not furnished as they were not demanded.

that the managing committee said that accounts were not furnished as they were not demanded.

33 Mr. Krishna Samy Rao, manager, has petitioned this office praying that an opportunity may be given to him to place before Govt certain orgl documents relied upon by him, and also to represent all the facts connected with these charities.

34 As in cases relating to Diwan Bahadur Raghunatha Rao's charities in Bangalore etc, this case will if ordered, be posted for hearing with the next batch of cases.

(P N.D

Note—Contn. Sheet 4

Submitted

22.5.29

Serial No.

35 The necessity for changes as pointed out has been acknowledged. The Mysore wants to deprive the institutions in question of the means granted to them on the score that there has been mismanagement on the part of the present manager and which then proceeds from the construction of other charitable buildings in the City. After resuming the lands he wants to entrust Sir Krishnamurti Rao to manage the charities and the income from them belongs to the charities. and when Sir Krishnamurti Rao comes to mismanage them out of the income then to deprive him of that management also. ~~No~~ The claims of the Commissioners recommendation ~~No action has been taken~~

36 The charities are said to be working though not very satisfactorily. ~~No further correspondence has been received~~ If it is decided to resume the lands on the score of mismanagement, the proper course would be to resolve them & the concerned institutions prescribing a suitable scheme of management. The institutions concerned should not suffer for the fault of the manager. and

Note—Contn Sheet

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No. 7391

Seem to be no reason why they should be deprived of the lands for the benefit of some institution which is being opened & is yet to come into existence. At least one should be created in favour of these institutions and it should be seen that the trust is properly carried out instead of depriving them of the benefit. If anyone of the party ask he heard personally.

Secretary 28/5

38 I shall inspect this institution next month and the file may be given to me at Mysore.

Mysore 29.5.25

7622/26.

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39 I did not find time to inspect this institution when I was at Kolar on the occasion of the last Birthday Session of the Representative Assembly I do not think it is necessary to inspect it for dealing with this case.

There are three references for disposal:-

(1) The Muzrai Commissioner's letter No. 1268 dated 6th February 1929 giving cover to the Order passed by the Deputy Commissioner on the enquiry made by him into the affairs of this Institution

(2) Petition dated 10th May 1929 from Mr. N. Krishnaswami Rao, Manager of the Institution;

& (3) Petition dated 11th May 1929 from Mr. N. Krishnaswami Rao.

40 (3) In No. (3) Mr. Krishnaswami Rao requests that he may be heard before orders are passed on the reports of the Deputy and Muzrai Commissioners. There is no objection to comply with his request and I shall hear him in due course

41 In No. (2) Mr. Krishnaswami Rao represents that the G.O. No. 1265-9 dated 26th November 1915 was passed on wrong information submitted to Government and that it is unfair to him, and accordingly requests that the point of difference between him and the ryots in regard to the lands of the Institution in the Kachanahalli Kaval in Yelahanka Taluk, might be referred to the Civil Court for decision

42 The resumption of these lands subject of No. (1) and it is proposed

NOTE—Contn. sheet

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resume them, it is necessary to deal with No.(2)

45 (5) In the circumstances stated above, it is only reference No. (2) that has to be considered in detail. Before hearing the petitioner, the question of resumption requires discussion and on some points it is necessary to obtain legal advice.

44 (3) The Deputy Commissioner's enquiry is stated to have been conducted under Sections 8 and 13 of the repealed Muzrai Regulation and under Section 13 of the Religious and Charitable Institutions Regulation, 1927. It was the Muzrai Commissioner that suggested to the Deputy Commissioner that the enquiry should be held under Sections 8, 9 and 13 of the Muzrai Regulation and this was on 10th July 1926, i.e., before the Religious and Charitable Institutions Regulation came into force. The Deputy Commissioner's order is dated 3rd July 1928 when the new Regulation was in force. I think that the Regulation under which the case should be considered to have been dealt with by the Deputy Commissioner is that which was in force on the date that officer passed his order and not the one on which he started the enquiry. If this view is correct, is the first point on which legal advice is necessary.

(1)

45 If the Enquiry and Order are under the new Regulation, the Section 13 cited by the Deputy Commissioner is, as observed by the Muzrai Commissioner, inapplicable to the case.

NOTE—Contn. sheet

Serial No.

The Deputy Commissioner has overlooked the fact that the new Regulation deals with "Muzrai Institutions" and "Public Religious and Charitable Institutions other than Muzrai Institutions" in two different chapters. The Temple and the Chattram now under consideration are "Muzrai Institutions" according to the definition of this expression in Section 2 (1) of the Regulation of 1927 and questions relating to Dharmadaya lands endowed to these Institutions have to be dealt with under Chapter II and not under Chapter III in which Section 18 relied upon by the Deputy Commissioner, appears. Chapter II, however, deals only with the resumption of Inam lands of Muzrai Institutions which are alienated and there is no provision in it regarding the resumption of Inam lands on the ground of mismanagement. In view of this position, any action for resumption on account of mismanagement of the Inam lands of a Muzrai Institution has to be taken under the late Chief Commissioner's Notification No. 266 dated 17th November 1877 which is still in force and has the force of law. It was this Notification which was relied upon for resuming recently the management by Government of the Devadaya Inam villages endowed to the Sivasamudram Temple. This Notification lays down that "Inam lands granted to Religious and Charitable Institutions ... will be ... continued to them so long as the conditions of the grant are duly fulfilled." The question of non-fulfilment of the conditions will be presently considered and for [illegible]

NOTE—Contn. sheet

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point on which legal advice is desired, is whether the Dharmadaya Inam lands endowed to the Temple and the Chattram may be resumed by Govern-ment under the Notification of 1877 on their being satisfied there is sufficient evidence to prove that the conditions of the grant have not been carried out.

(2)

(6) Mr. Krishnaswami Rao who, according to the Inam Settlement, is no more than the Manager of the Dharmadaya Inam lands endowed to the Temple and the Chattram, is reported to be responsi-ble for the following acts of commission or omission which are inconsistent with his position as the Manager or which indicate his incapacity to discharge the duties of the Manager:

(1) The denial by him that the Temple and the Chattram are Muzrai Institutions;

(2) His claim that the lands in question are not Dharmadaya Inam but personal Inam;

(3) Non-compliance by him during the last sixteen years with the direction of Government contained in the Order dated 4th July 1913 that he should give an undertaking to keep regular accounts of the income and expendi-ture relating to the Institutions;

(4) Non-submission by him during the last sixteen years of annual reports on the management of the Institutions as required by G.O. dated 4th July 1913;

(5) Non-submission by him of particulars required for filing a detail of income and expenditure for the Temple and the Chattram,

(6) Denial by him of the right of Govern-ment to enquire into the proper management or otherwise of the affairs of the Muzrai Institutions,

(7) The non-collection by him of a large amount - exceeding Rs.10,000 - of arrears of revenue due by ryots entit-led to cultivate the Inam lands of the Institutions,

NOTE—Contn. sheet

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(8) His not allowing the Amildar even to inspect the Temple and the Chattram;

(9) His offer of 25 acres of land forming part of the Inam endowment of the Institutions as security for a private loan: It is reported that when the Inam nature of the land was brought to notice, the Subordinate Judge, Mysore, ordered his prosecution, but further proceedings were not taken as the private debt was otherwise settled;

&(10) His claim that only a part of the income from the Dharmadaya Inam lands need be spent upon the Chattram and the Temple according to the Will of the late Bakshi Narasappa, his adoptive father and that the balance, if any, is his own personal property

4) What is stated in the preceding para establishes beyond doubt that the petitioner can no longer be permitted to be the Manager of the Dharmadaya Inam lands and it is quite necessary that he must be deprived of all control over them.

5) So far, the resumption of the Inam lands endowed to the Institutions has been considered. There remains the question relating to the enquiry held by the Deputy Commissioner and the Order passed by him in regard to the Institutions themselves, namely, the Temple and the Chattra. Section 13 of the Regulation of 1927 applies to "Public Religious and Charitable Institutions other than Muzrai Institutions". There is no definition of "Public Religious & Charitable Institutions other than Muzrai Institutions" in the Regulation. It would, however, appear from the general tenor of the Regulation and the definition of "Muzrai Institutions" in Section 2 (i) of in particular, that

NOTE.—Contn. sheet

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that while all Muzrai Institutions are Public Religious and Charitable Institutions, all Public/Religious and Charitable Institutions need not be Muzrai Institutions. If this view is correct

(3) - and this is the third point on which legal advice is necessary - Section 13 of the Regulation of 1927 can be considered as applicable to the cases in question and the Enquiry and Order by the Deputy Commissioner to be in order. The Enquiry, however, does not appear to have fully established that there is any gross mismanagement of the Institutions themselves.

(4) It is not clear if a copy of the Deputy Commissioner's order was communicated to the petitioner who, if he feels aggrieved by it, can file a suit in the Court of the District Judge for cancellation of the order.

(5) Some Inam lands of the institutions are stated, in the Deputy and Muzrai Commissioners' reports to be in the Arjunahalli village while, according to the books of the Inam Department, there are no lands belonging to these Institutions in the said village. The Inam Department has reported that the Institutions have Inam lands in the Virle village. This difference requires to be enquired into.

5? The Muzrai Commissioner recommends resumption of the Inam lands and the utilisation of the arrear income from them for the construction of one or two chattrams in the Mysore City for the use of all classes of the public who go there during the Birth day, Death

NOTE—Contn. sheet

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1660

Serial No.

other similar occasions. The current annual income from the lands, he suggests, might be used for the maintenance of the chattrams newly built. The Inam grant is intended not only for the Chattram but also for the Temple. I am not sure if it is fair to deprive the Temple of its share of income from these lands. It is not necessary now to deal with the question of the disposal of the arrear or current revenue from the lands. It will be more convenient to settle this matter after orders on the question of resumption of lands are passed and the outstanding arrears are collected and the nature of tenancy to be allowed to the ryots is decided.

Muz
5/12/26

52 Please see if there are any other papers in connection with the discrepancy noted in para (13) of the above Memo. If not please prepare a draft in the matter

53 The file may also please be sent with draft for Govt. for their opinion on the points raised by the Member.

5/12

54 No information is available in the records.

55 Mr. en Govt Submit

Jan 1926

WD 1214—GIPB—500—21-10-28

Serial No.	
10	To The Dy Com. No 845-57/16-3 I enquire whether a copy of the D's order of 3-7-28 in L. 37 was sent to H's f.c. I request that a copy may be sent to the petr. It is for the collr to decide whether the file should be sent to the Court of the Dist Judge. 27 may the file be sent to Pol Br (Ref para 53) for opinion on the submn points raised by the Member. AV 28/8 (Pol Br) 29/8 WS 24/8
11.	From, the D C, Memo no J25-24/10 29. Submits a copy of D.C's letter stating that no inam or Sircar land in Arjunahalli Village has been endowed to the charities. 29 The further report promised as to whether the D's order was communicated to Mr. Krishnaswamy Row etc may be awaited. Submitd. AV 12/10/29. 30/9
12	From, the D C Letter no 1186/J.II.c Reports that the 3rd July 1928 has. Commenced

Note—Contn Sheet

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as Govt sanction is necessary under Sec. 18 of the Mus. Regn. of 1927.

61 The file may be sent to Prof. Br for opinion on the points raised in the member's minute.

Submitted
7-11-28. (Prof Br)

7/11

7/11

62 Certain lands in Yedatore Taluk were endowed by Government as inams to the temple of Sri Subramanyaswami and the Annachattram in Mysore City built by the late Rao Bahadur Mr. Bakshi Narasappa. The charities are now under the management of the donor's adopted son Mr.Krishnaswami Rao. On account of alleged mismanagement, the Deputy Commissioner,Mysore held an enquiry, in 1926, under secs. 8 and 13 of the Muzrai Regulation of 1913 which was then in force. Upon that enquiry he passed an order on 3rd July 19 directing that the management of the temple etc. be resumed by Government under section 18 of the Religious and charitable endowments Regulation of 1927 which at the time of the order had replaced the Muzrai Regulation of 1913.

63 Three questions have been referred for opinion viz:-

(i) whether the order of 3rd July 1928 is to construed as one passed under section 18 of Regulation VII of 1927 or under sec.9 of the Muzrai Regulation of 1913.

NOTE—Contn. sheet.

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(2) whether section 18 of the Regulation of 1927 applies to Muzrai Institutions.

and (3) whether the inam lands endowed to the temple and the charities can be resumed under the Chief Commissioner's Notification of 1877.

2. 64 Since the Deputy Commissioner has expressly passed his orders under Section 18 of the Regulation 1927 and has applied for sanction of Government under the same section and since the old Regulation was no longer in force at the time of the order has the order/to be construed as having been passed under Section 18 of the new Regulation. ~~The~~ The second question raises a doubt as regards the legality of the order under Section 18 of the Regulation 1927 on account of the fact that the said section is in Chapter III of the Regulation which is said to apply only to such "Public, Religious and charitable institutions as do not come under the definition of Muzrai Institutions." This view derives ~~takes its~~ support from the heading of Chapter III which seems to exclude Muzrai institutions from the operation of this chapter.

3. 65 If however the Muzrai Regulation of 1913 is compared with the Regulation VII of 1927, it will be seen that Section 18 of the present Regulation is the same as section 9 of the Regulation of 1913 which undoubtedly applied to the case under consideration The Regulation of 1927 has grouped the provisions of Chapter II of the Regulation of 1913 into two chapters viz., II and III of the present enactment, Chapter II applying solely to Muzrai institutions as

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and Chapter III to all Public, Religious and charitable institutions. The heading prefixed to Chapter III no doubt, seems to indicate that the provisions therein contained, apply to Religious and charitable institutions other than Muzrai institutions, though the sections of chapter III read ~~with~~ by themselves do not warrant any such presumption.

4. 66 In modern statutes, the headings prefixed to sections or sets of sections are regarded as preambles to those sections and cannot be treated as if they were marginal notes. But it is a settled rule that the preamble cannot be made use of to control the enactments themselves when they are expressed in clear and unambiguous terms. (Maxwell, page 92).

5. 67 In 1925 All. 787, it has been held that in ~~construing~~ construing statutes the headings have to be ignored and it is only the sections which are the substantive parts of the enactment that have to be interpreted. The case arose out of the court Fee Regulation and raised a very similar point.

6. 68 Applying this principle, it is seen that since the definition in Section 2(1) of "Religious or charitable Institution" is very comprehensive and includes thereunder every Muzrai institution, the phrase occurring in chapter III must be interpreted accordingly and the provisions of that Chapter therefore must be held to apply also to Muzrai institutions. If the phrase "religious or charitable institution" occurring in Chapter II

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is otherwise interpreted as to mean only such institutions as do not fall under the definition of Muzrai institutions, the definition in Section (2) Cl.(1) becomes otiose, since that phrase is seen to occur mainly in chapter III of the Regution.

69 This disposes of the first two questions referred to for opinion.

70 ~~This~~ As regards the third question, the suggestion made by the Muzrai Commissioner to resume the Inams endowed to the Temple under the Notification of 1877 does not appear to be free from difficulty. Such resumption would be legal only if it is beyond doubt clear that the conditions of the grant are not duly fulfilled. The mismanagement or breach of trust by a manager or trustee may be a good ground for removing him from the office but cannot warrant a resumption of the lands granted to the institution. The charity cannot be made to suffer on account of the mismanagement of its Manager. Hence the Chief Commissioner's Notification of 1877 cannot apply to this case.

9 JAN. 1930

71 He agreed with Comptr

Vide para 43.

72 ... may now be posted for ... hearing. Petitioner to be informed of date of hearing.

4065/1871

8891/1911

WD 01684—GPB—30,000—20-1-29

App. F. III—21

General and Revenue Secretariat. File No. of 192

Serial No.

73) Nine petitioners (letter 8/12th Feby 30.
Case adjourned to next hearing date
Issue notice to same.
Mines
8.2.30

5422/18

Vakalat filed by M/s.
Visvanatham Mudaliar 18/2/30

Notices issued on 26/3/30 to appear on the date of hearing viz: 21/4/30

6511/25/4

7 The case came on the 21st of

1930.

The petitioners are represented by
his learned counsel. Nothing has been done in the
course of the proceedings since the
[illegible] submitted to the Land
Commissioner for disposal. I have considered
the case in detail in the light of the
[illegible]

The Deputy Commissioner's proposal is
that Government should assume the area
of the institution [illegible]
covered by the

The Mines Commissioner has stated, however, as to the [illegible]
has presented a [illegible]
[illegible] and [illegible]
for [illegible]

NOTE—Contn. sheet.

WD 066—GPB—30,000—26-7-29

Serial No.

the Lyons City.

7) I do not think the suggestion of the Muzrai Commissioner can be accepted. The lands form the Inam settlement by the late Tarsai Nanappa and the members of these institutions are enjoying their properties. It is not fair to disturb them at this late stage. The action to be taken to prevent misuse of the charges and to ensure the proper utilisation of the income for the religious purposes of the institutions can be left to the Collector.

8) I think that the difficulties in connection with the exemption of the deputy Commissioner [illegible] Inam lands will be solved by the issue of the Circulars. Instructions in this direction were issued in the Circular dated the 20th August 1925 and the Collectors applied for the exemption [illegible] according to Rule III of the Rules. [illegible] to publish a list of such institutions under the Inam Abolition.

Note—Contn. Sheet

Serial No

The Legal Remembrancer does, no doubt, express the opinion that provisions in Chapter III of the Regulation of the kind are applied to Mural tracts, but the matter is very slight perhaps not worth [illegible]. Any person aggrieved by an order passed under Section 15 is allowed by Section 18 to bring a suit for relief of the kind to the District Judge and more than one doubt that a suit of the kind mentioned will start as regards any person is entirely unlikely. Another section 15 case may be a case of the kind, viz., in all probability, the case for decision by the Court and the interpretation of the joint [illegible] by the Civil Courts. The simple and [illegible] matter of Mural distributions, but Chapter II of the Regulations [illegible] by Government [illegible] of [illegible]

[illegible] long and important sections of the Chapter I am [illegible] on this [illegible] or should [illegible] in [illegible]

The [illegible] to be the [illegible] quite necessary.

Note—Contn. Sheet

Serial No

all control over them. As there are difficulties in dealing with this case under the Religious and Charitable Institutions Regulation and as the application to it of Section 10 will result in a civil suit and in the consequent continuance of the mismanagement of the lands until the suit is finally settled, I think we might apply to it the provisions of the Chief Commissioner's Notification of 1877. According to this Notification, Inam lands can be resumed when the conditions of the grant are not fulfilled. We may take ~~it~~ over the Dharmadaya lands of the Institutions and manage them for their benefit. It is under this Notification that we assumed the management of the Inam Villages endowed to the temple in the Island of Sivasamudram.

4. The income of the lands may be kept in the treasury and made available for the performance of the institutions or the services for which it is meant. The petitioner may, for the present, continue to be the Manager of the Institutions and he may be required to use the said income for authorised purposes and to submit proper accounts for it.

5. The temple and the chattram are also Public Religious and Charitable Institutions as

Note—Contn. Sheet

General and Revenue Secretariat | Kuz. File No. 3 of 1926

Serial No.

DEWAN'S OFFICE
8. APR. 1930
No. 1458

as they have come [illegible]
late [illegible]
by the Govt. Contractor [illegible]
billed for [illegible]
[illegible]

Chapter III

Dewan

Mudr 25/4/30

25 4 30

Draft.

Submitted with two drafts for consideration

Mudr 5/5/30 — 86 Mean type Mundane Press & pamphlet

5/5

8] Type drafts put up

mudr 6/5/30

Please put up a clean draft of I

10 5 30

Clean draft.

18978/7/5

710/27/5

Note—Contn Sheet

ID 066—GPB—30,000—26-7-29

Draft Mudr 7/5/30 Sh Member

The Personal Assistant
28/6/30 to the First Member of the Council
Bangalore

Dear Sir,

While I was arguing Munz: Appeal
No. 24/29 30 before the First Member on April
last, I left on the table several papers
in a cover relating to Nazerbad Dispensary
Mysore. They have no connection
with the aforesaid Munz: appeal. -30
I request you to kindly return
them to me treating this letter as
an acknowledgment of the receipt thereof. in the
nce of

Yours obdt
C. Ismail Khan Can
Attache, Mysore

Camp) Bangalore
28 6.30

These papers were sent to the Mny Bs. of
May be returned, if not wanted here.
Ref
26.. may be returned if not wanted here.
28/6/30

Note—Contn. Sheet

WD 066—GPB—30,000—26-7-29

50978

No 1368 of 25-26 Office of the Muzrai Commissioner in Mysore.

Dated Bangalore, 31st May 1926.
1 June

From

S. Balasundaram Iyer, Esq., B.A.,
Muzrai Commissioner in Mysore,
Bangalore.

GEN. & REV. SECRETARIAT
2 JUN 1926
MUZRAI

D 4447
Secy. 3-26-1

To

Ranganatha Rao Saheb, Esq., B.A., B.L.,
Secretary to the Government of
His Highness the Maharaja of Mysore,
Revenue Department.

Sir,

I have the honor to state that the Deputy Commissioner, Mysore District has in his letter No.520 of 17-18 dated 27th May 1926 ------ reported that Mr. N. Krishnasami Rao, adopted son of the late Mr. Bhakshi Narasappa of Mysore has refused to submit the accounts stating that the Government has no powers to enter into the affairs of the ------ charities and that the Amildar is not even allowed to inspect the - chattram and the temple and has recommended that the charities may be taken under Government control and to request that the entire -- files connected with the taking and handing back the said charities may kindly be caused to be forwarded for reference.

I have the honor to be,
Sir,
Your most obedient servant,

for Muzrai Commissioner.
(absent from Headquarters)

Office of the Muzrai Commissioner in Mysore.

No. C/1368 & 25-26. Dated Bangalore, 2nd July 1926.

19 14 47
A.V.
GENL. & REV. SECRETARIAT.
6-JUL 1926
MUZRAI
2.9

GENL. & REV. SECTT.
Bn.
3 JUL 1926
To
G. D. SECTION.

From

C. S. Balasundaram Iyer, Esq., B.A.,

Muzrai Commissioner in Mysore

Bangalore.

To

C. Ranganatha Rao Saheb, Esq., B.A., B.L.,

Secretary to the Government of

His Highness the Maharaja of Mysore,

Revenue Department.

Sir,

I have the honor to invite your kind reference to this office letter No.1368 of 25-26 dated the 1st June 1926 and to request that the entire file relating to Bhakshi Narasappa's charities at Mysore may kindly be caused to be forwarded at an early date.

I have the honor to be,

S i r,

Your most obedient servant,

K.S.I.

for Muzrai Commissioner.

In Absence from Station

KSR.

Pehs. No. 91 9.7.26

To,

The Dewan of Mysore.

(Camp)

Very early

Order

The enclosed copy is that of the Subordinate Judge of [illegible] in case " [illegible] vs [illegible] ". The Court goes to say that the security offered by Mr. [illegible] Swami Rao for stay of execution by the above Court is accepted and that permission is granted to Mr. T.N. Varadachariar to prosecute the said Mr. N Krishnaswami Rao for having given as security to Court endowment lands with the idea of cheating the plaintiff.

"We are not concerned with the details of the case. That requires to be more known to you, Sir, is that the Mr. N.K. Rao having acted all the property has resorted to this unlawful act of misappropriating endowment lands.

He has also been claiming of recovering about Rs 15,000/- lying with the Govt. at the credit of the temple for his personal use.

"What strengthened him to do all this is that he has been gradually practising this art since he got into the management Chattram and temple. He uses for his private purposes every month not less than Rs 60/- the surplus of the rental collection of these buildings. He is unscrupulous in getting temple property. He has built up no funds from the surplus of every year for special repairs, addition to the existing buildings and extension of the usefulness of the Chattram. The whole management

[illegible] everything to advance the
[illegible] famous and his
[illegible] enclosed
[illegible] in that sense may be called

[illegible] under his manage-
[illegible] affair will reach a stage

[illegible] gravity of the situation
[illegible] necessary to take over the management to
[illegible] the liabilities of the late Rāi Bahadur
[illegible] that public for which

Yours Faithfully,
T. Ramakrishnayya
weavers' lives, Mysore

N O T E .

Muz. File No. 99 of 1901-02 ending with G.O. No. 2526-4/Muz.F. 100-02 dated the 23rd February 1904 explaining the circumstances under which the Temple and Chattram built by the late Mr. Bakshi Narasappa were assumed under Government management are put up.

After the demise of the founder, Mr. Narasappa and his widow Lakshmidevamma, Messrs. Shama Rao (the natural father of the adopted son of the late Narasappa) and C. Venkata Rao (who was the guardian of the minor adopted son, Krishnaswami Rao) applied to the Deputy Commissioner to take over the charities, under Government management, and on the recommendation of the Deputy Commissioner, they were assumed under Government control, the following Dharmadarsis appointed:

1. Mr. Shama Rao, natural father of the minor
2. " C. Venkata Rao, B.A. Asst. Commr.
3. " M. Venkata Krishnayya, Head Master, Narimablappa's School, and
4. The Vice President of the City Municipality

A scale of expenditure was also fixed (a copy of which is in the notes in Muz. file No. 323-08)

After Mr. Krishnaswami Rao attained his majority, he applied to Government that the management should be handed over to him: (Muz. File No. 323-08 deals with the matter). In G.O. No. 33-5/Muz.323-08-14 dated 4-7-1913, the charities were ordered to be handed over to his management, subject to the condition that if, at the end of two years, Government are of

of opinion that the charities ~~are~~ were not efficiently managed by Mr. Krishnaswami Rao, the present arrangement ~~may~~ might be terminated at the pleasure of Government, who ~~will~~ would be at liberty to make such other arrangements for the management of the charities as it ~~may~~ might appear to them ~~most~~ most suitable. The Deputy Commissioner was also requested ~~to~~ Herein obtain from Mr Krishnaswami Rao an undertaking to keep regular account of income and expenditure and submit a yearly report on their management for the information of Government through the Deputy Commissioner.

The present Petitioner T. Ramakrishnayya brings to notice that the charities are mismanaged and their income misappropriated by Krishnaswami Rao for his own use, and prays that in the interests of the charities they may be assumed under Government control.

The Muzrai Commissioner requests that all the files regarding the charities may be sent to him for reference in connection with the recommendation of the Deputy Commissioner that ~~that~~ the charities which are said to be mismanaged by the present manage- may be taken under Government control.

If approved, these files will, after perusal, be sent accordingly to the Muzrai Commissioner and a detailed report on the subject called for, for the orders of Government.

12/7

JECT.....

.....

.....

Section A 3

File No. 3 of 26.

Serial No. 3

No.

Diary No. of letter replied to.....

Enclosures four

To The Mercy Court Files

General and Revenue Secretariat

( )

the *192*

Sir.

Date of issue 20-7-26

With reference to yours ending with-
letters Nos C 368 of 25. 26 of the 2nd inst of
I am directed to forward herewith the marginally noted Collection of ~~letters~~ relating to Bakshi Sanitarial files ~~relating to Bakshi~~ Nayagan's Charities, and required by him for reference, & to request that Mercy may be returned when done with.

Signed by Mr Navaneethan Nair

Mercy File 99 of 1901-02 (1-5)
" 100 of 1892-3. 1
323-08 (4 sh.)
~~8888~~ & 1,21,754
~~8822-08~~

(Please peruse the reports above)

I have &c

List of enclosures.....

Secretary to Govt

Copied by.....

Examined by.....

over

Office of the Muzrai Commissioner in Mysore.

No. C/1368 & 25.26
encl four files

Dated Bangalore, 3rd/4 August 1926.

D 174
Mur 3-26-4

From

B. Ramaswamaiya, Esq., B.A., B.L.,
Muzrai Commissioner in Mysore,
Bangalore.

To

C. Ranganatha Rao Saheb, Esq., B.A., B.L.,
Secretary to the Government of
His Highness the Maharaja of Mysore,
Revenue Department.

Sir,

I have the honor to return herewith the four Secretariat Files relating to Bakshi Narasappa's charities at Mysore received for reference with your letter No.109/M.F.3-26 dated 20th July -- 1926.

I have the honor to be,
Sir,
Your most obedient servant,
B. Ramaswamaiya
Muzrai Commissioner.

APP. F. VI. Gl.]

SUBJECT.....

.....

.....

Section Misc

File No. 3 - 26

Serial No. 5

No. 952 Misc 26.

Diary No. of letter replied to .. ..

To

The Mysore Commr.

General and Revenue Secretariat

( )

the *192*

Date of issue. 10 - 8 - 26

Signed by. Naidu

Sir,

I am directed to forward herewith for favour of a detailed report at an early date a petition and its enclosure in original received from Mr. J. Ramakrishnayya, Weavers' Guru Mysore, complaining against the mismanagement of the Bakshi Narasappa's charities at Melu over

(Kindly be returned)

In this connection I am desired to ask for his observations of Govt on the action proposed to be taken by him on the letter of the De of Mysore No 520 of 17-18. dated 29.5.26. received with your letter No. C 1368. dated. 13.5.26

List of enclosures.....

Copied by.....

Examined by.....

7/8

No. Office of the Muzrai Commissioner in Mysore.

Dated Bangalore, 17th August 1926.

From

B. Ramaswamaiya, Esq., B.A., B.L.,

Muzrai Commissioner in Mysore,

Bangalore.

To

The Deputy Commissioner,

Mysore District.

REV. SECRETARIAT. 21 AUG 1926 MUZRAI

Sir,

O.273

Mur 3-26-6

In continuation of this office letter No.1368 of 25-26 dated the 10th July 1926 in re taking over under Government -- management the late Mr. Bhakshi Narasappa's charities at Mysore I have the honor to forward herewith petition and its enclosures in original addressed to the Dewan of Mysore by Mr. T. ------ Ramakrishnaiya, Weavers Line Mysore received with Revenue ----- Secretary's letter No.252/M.F.3-26-5 dated 10th August 1926 -- complaining against the mismanagement of the ~~Bhakshi~~ Charities and to request that the report already called for may kindly be submitted without any delay.

The petition and its enclosures may also be returned --- along with your reply.

GEN. & REV. SECTT. PR Mur 20. AUG. 1926 G. D. SECTION.

I have the honor to be,

Sir,

Your most obedient servant,

(Sd.) B. Ramaswamaiya,

Muzrai Commissioner.

M.7.3-26-6

---C/1368/25-26. Dated 19.8.26.

enclosure

Copy of the above is forwarded with compliments to the Secretary to Government, Revenue Department (Muzrai) for information with reference to his letter No.252/Muz.3-26-5 dated the 10th --- instant.

A copy of the Deputy Commissioner's first communication of the 27th May 1926 and of this office reply indicating the lines on which action has to be taken is enclosed for kind perusal.

B. Ramaswamaiya

Muzrai Commissioner.

		K.	P.		Extent. Acres. Guntas.
1. Kachoovanahalli Kaval	wet,	18	3)	Rs.174-8-0	462- 3 305-11-0
2. Arjunahalli		6	13)		
	K.				
	wet,	98			
		1			

Letter No.C.520 of 17-18(Muz.) ~~xxxxxx~~ dated 26th/27th May 1926 from the Deputy Commissioner, Mysore District to the Muzrai Commissioner in Mysore.

"In submitting herewith the file of vernacular correspondence ending with the Mysore Taluk Amildar's Report No.161 of 1934-35 dated 29-4-1936, I have the honor to state as follows:--

Sri Subramanyeswara Swami temple and the Chattram -- built by the late Mr. Bhakshi Narasappa in Mysore City together with the marginally noted Inam lands endowed to them were taken under Government management as per G.O.No.2523-4/Muz.F.100-92 dated 23-2-1904 provisionally subject to reconsideration when the minor (adopted son of Bhakshi Narasappa) attains his ---- majority. It was further ordered that a scale of income and expenditure should be prepared and submitted for sanction and that the marginally noted gentlemen were appointed Dharmadarsis

1. Mr. Shama Rao, (Natural father of the Minor.)	to supervise the --
2. " C. Venkata Rao, B.A.,	affairs of the Temple
3. " M. Venkatakrishnaiya,	
4. The Vice President of the City Municipal Council, Mysore.	and the Chattram.

On the application of Mr. N. Krishnaswami Rao, adopted son of the late Mr. Bhakshi Narasappa, stating that he attained majority and praying that the charities with their endowments might be ordered to be restored to him, the Secretary to Government, Muzrai Department, called for the submission of a report in the matter.

A recommendation was made in this office letter No.328 dated 19/21st January 1911 to the effect that the Chattram and the temple together with the endowed lands might be restored to Mr. N. Krishnaswami Rao, on the condition that should there be any room for complaint of mismanagement for a period of two -- years steps might be taken to deprive him of the management of the charities etc.,

Government in their order No.53-5/Muz.323-08-14 dated -- the 4th July 1913 approved the recommendation of the Deputy Commissioner and further directed that a Muchalika should be --- obtained from Mr. N. Krishnaswami Rao, binding him to keep -- regular accounts of income and expenditure relating to these

these institutions and submit an annual acc
Commissioner, Mysore District.

Copy of the Government order together with the Vernacul of correspondence was forwarded to the Sub Division Officer, My for taking further action in the matter.

Consequent on the reorganisation of the Minor Muzrai Institutio Mr. Y. Sitharama Rao, the Special Sheristedar, reported that as an extent of 154 acres 9 guntas out of the Inam land was newly irrigated by the extension of the Chamaraja Right Bank Channel and as the --- contribution amount due from the ryots in accordance with the Government order No.3831-5/Muz.178-15-4 dated 9th June 1916 had not been fully recovered solicited instructions in the matter of preparation of a scale of income and expenditure in respect of the above institutions.

The Muzrai Superintendent of Mysore, in forwarding the above - report requested the forwardal of the opinion of the Deputy Commissioner.

The Amildar, Mysore Taluk reported that inspite of Yadies -- addressed to the Manager of the Chattram (Mr. N. Krishnaswami Rao) to submit the income and expenditure of the charities, no reply had been received from him.

Again orders were issued to the Amildar to submit the original file of vernacular correspondence together with the Mutchalika ---- obtained from Mr. N. Krishnaswami Rao while restoring the charities as required in G.O.of 4th July 1913. He now reports that the original file of vernacular correspondence is not forthcoming in his office; that Mr. N. Krishnaswami Rao has refused to submit the accounts --- stating that the Government has no powers to enter into the affairs of the charities (Flag A.) and that the Amildar is not even allowed to inspect the chattram and the temple.

As the lands endowed to the charities are Dharmadaya and as he has refused to comply with the orders of Government, I request -- sanction to bring xxxxxx lands under attachement and take over --- management of the properties and the institutions."

"C o p y"

for Muzrai Commissioner.

Letter No.C.1368 of 25-26 dated 10th July 1926 from the Muzrai Commissioner in Mysore to the Deputy Commissioner, Mysore -- District.

"Referring to your letter Nos.C.520 of 17-18 dated 26-5-26 and H.1-8/A.C.dated the 6th instant soliciting early orders in the matter of taking over under Government management the late Mr. Bakshi ------ Narasappa's charities at Mysore and the Inam lands endowed thereto, I have the honor to state that an executive order of Government ---- directing resumption does not seem to be suitable in the circumstances of the case and that the proper course is for you to take action -- under sections 8 and 13 of the Muzrai Regulation and the rules ---- framed under section 13. These rules prescribed certain accounts to be maintained by managers of such institutions and also the course of action to be taken in case of default. I request you will be so good as to take needful steps as indicated above in regard to the mismanagement referred to and report the result in due course.

The enclosures to your letter are herewith returned."

"C o p y"

for Muzrai Commissioner.

APP. F. VI. Gl.]

SUBJECT .....

Section Mucz

File No. 3-26

Diary No. of letter replied to...

Serial No.

No. 438—7

General and Revenue Secretariat

( )

the 192

To The Mucz Comr

Sir,

Date of issue 1-9-26

Signed by.....

With reference to
Jour Mucz C. 1368 9/25-26
& 19-8-26 regarding
Khatchis Mucz appeal
Charities at Mysore, I
am directed to request
You to be so ~~kind~~ good
as to Call for report &
action taken on the
lines indicated by you
in Jour letter No. C. 1368
9/25-26 & 10-7-26 &
the by Comr Mysore &

List of enclosures .....

Copied by .....

Examined by.....

over

and submit the same
with [illegible] opinion
thereon for the orders of
[illegible] at an Early [illegible] Date

Thank you

[illegible]
Reader

28/8/26

OFFICE OF THE MUZRAI COMMISSIONER IN MYS.

Bangalore,.....6th...February,..... 1929.

No. 1368 / 25-26 Eccl. 3/4 files

FROM

P. G. D'Souza, Esq., B.A., B.L.,
The Muzrai Commissioner in Mysore.

6 FEB. 1929
No. 4768

11-2-29

TO

B. Srinivasa Iyengar, Esq., B.A., B.L.,
Secretary to the Government of His Highness the Maharaja of Mysore,
Financial Department.

3003 / 9.2

SIR,

In continuation of correspondence ending with this office -- letter No.2023/26-27 dated 28th June 1928 re the management of the late Mr. Pakshi Narasappa's charities in Mysore, I have the honor to submit herewith copy of letter No.H.H.8/A.C. dated 4th July 1928 -- from the Deputy Commissioner, Mysore District, giving enclosure to an order passed by him in case No.H-8/A.C. and requesting that sanction of Government may be obtained under Sec.18 of the Mysore Religious and Charitable Institutions Regulation to assume the management of the temple of Sri Subrahmanyaswami and the chattram in Mysore City together with all the endowed properties.

2. The order now passed by the Deputy Commissioner and the several orders issued by Government from time to time give in sufficient detail the previous history of these charities and their subsequent management. Briefly recapitulated, the facts are as follows:--

462 acres and 3 guntas of dry land assessed at Rs.401/- in Kachanahalli Kaval in Yedatore Taluk and 16 acres and 2 guntas in Arjunahalli of the same Taluk were endowed by Government as inams to the temple of Sri Subrahmanyaswami and the Anna chattram in the Mysore City built by the late Rao Bahadur Mr. Pakshi Narasappa. After his death, his wife managed the charities until her death in 1900 when the management came into the hands of Mr. Shama Rao, natural -

father of Mr. Krishnasami Rao, adopted son of the deceased Bakshi Narasappa. In compliance with the request of Mr. Shama Rao and Mr. C. Venkata Rao, guardian of the minor Krishnasami Rao, Government in their order No.2523-4/Muz.100-92 dated 23-2-04, directed that the management of the temple and the chattram together with their endowments be assured by Government provisionally, subject to ---- reconsideration when the Minor attained majority.

3. On 15th January 1909, Mr. N. Krishnasami Rao, the adopted son, petitioned Government stating that he had attained majority and --- requesting that the management of the charities together with their endowments might be restored to him. Put in their order No.2557/ Muz.323-08 dated 4th April 1911, Government said that before considering the question of restoring the management, they desired that the urgent repairs required for the chattram and shops should be carried out and the arrears of rent due by the shop-keepers and the cultivators of Kachanahalli lands should also be collected and in this view ---- directed the Deputy Commissioner to take steps for the early recovery of these arrears. On further representations made by Mr. Krishnaswami Rao, Government directed in order No.33-5/Muz.323-08-14 dated 4th --- July 1913 that the management of the temple and the chattram be restored to him subject to the condition enumerated therein and also permitted the utilization of the arrears of revenue collected from Kachanahalli village for building a Dispensary in Nazarabad, Mysore.

4. Subsequent to the restoration of the management to Mr.Krishnaswami Rao an extent of about 154 acres out of Kachanahalli Kaval lands was rendered irrigable by the Chamaraja Right Bank Channel and as a result of this, the lands originally granted have increased enormously in value. It was directed in Government Order Nos.1265-9/Muz.178-15-2 and 2831-5/ Muz-178-15-4 dated 26th November 1915 and 9th June 1916, respectively,

(a) That the ryots be given the occupancy right of the dry lands on paying a premium of a sum not exceeding on the average Rs.50/- per acre for the benefit of the charities;

(b) That half the irrigable area be made over to Government absolutely

(c) That the occupancy right of the other half be made over to the ryots on their paying a premium of Rs.160/- per acre for the benefit of the charities. .

(d) That in view of the charities losing the proprietary right on ----- half the irrigable area and of the land required for the ----- channel which was to become the absolute property of Government and also of the dry assessment thereon, the charities be given 25 acres of irrigable land as inam without paying water rate, on payment of Rs.160/- per acre therefor.

(e) That the money received from the tenants for the grant of occupancy rights should be deposited under the charitable Endowment scheme and the interest alone drawn by the Manager for purposes of the charity in such manner as may be approved by Government.

In accordance with the above orders, half the irrigable area measuring 77 acres and 4 guntas seems to have been surrendered to Government and an extent of 25 acres out of the surrendered area, to have been given to the possession of the manager for the benefit of the charities in 1917.

5. While restoring the Management to Mr. Krishnaswami Rao in 1913, it was directed that a Muchalika should be taken from him binding him to keep regular accounts of income and expenditure relating to charities and submit an annual account to Government ~~Government~~ through the Deputy Commissioner, Mysore District - Mr. Krishnaswami Rao not having complied with several requisitions made on this behalf and having also denied the right of Government to interfere with the affairs of the charities, the Deputy Commissioner recommended in his letter of the 26th May 1926 (a copy enclosed) that the inam endowments may be attached and the ---- charities taken under Government management. He was requested to take action under Sections 8, 9 and 13 of the Muzrai Regulation, VI of 1913 since repealed) and the rules framed under Sec.16. Petitions complaining of the mismanagement of the charities by Mr. Krishnaswami Rao ----- received at the same time were also forwarded to the Deputy Commissioner for enquiry and report. After conducting the enquiry the Deputy Commissioner has passed the order received with his letter.

6. There is no doubt that the lands endowed to the Charities are --- Dharmadays inams and that the contention of Mr. Krishnaswami Rao to the contrary is quite untenable. As regards the contention that such a -- view is opposed to the recitals contained in the will of the late Mr.

Mr. Pakshi Narasappa, it will be seen from the Patta then giv that the lands are expressly referred to as having been given as inam for the benefit of the chattram. More-over, as observed by the Deputy Commissioner, even if it was the intention of the Founder that his descendants should profit from the endowment, it would - obviously be in-operative as Mr. Pakshinarasappa had no power to will away what did not belong to him and convey to his descendants rights not possessed by himself. From a perusal of the Deputy - Commissioner's order and the several complaints received in the -- matter, it may be presumed ~~to be presumed~~ to be established beyond doubt that not only the charities are not efficiently managed by Mr. Krishnaswami Rao, but he has not been able to collect large amounts of arrears of revenue due from the ryots. Added to this, he has failed to furnish accounts relating to the charities and submit an annual report as enjoined by the Government Order and has --- repudiated the right of Government to interfere in the affairs of the charities, not allowing the Amildar even to inspect the --- temple and the chattram. He had also offered the endowed properties as security in a Civil ~~Court~~ Suit and filed an affidavit declaring that they were his own and the Sub Judge had ordered his prosecution for making a false declaration. The Deputy Commissioner states in his order that the chattram building is in a state of bad repair, that 8 students are reported to be fed in the Chattram, that the rooms in it are occupied by a Jogeyer and another old person, and that there is no accommodation for travellers. In these circumstances, it is very undesirable that Mr. Krishnasami Rao should be allowed to ---- continue as Manager of the charities in future.

7. The Deputy Commissioner recommends that the institutions and - properties be taken under the management of Government under Sec.18 of the Religious and Charitable Endowments Regulation, VII of 1927. It seems to me that as the institutions in question are endowed with Dharmadava lands and as such partake of the nature of Muzrai institutions as defined in Section 3 (2) (i) of the Regulation, the provisions of Sec.18 of chapter III cannot be applied to this case as they -- relate to the Public Religious and charitable Institutions other than Muzrai Institutions. As in the case of the Mayasandra and Kri

Krishnarajpur chattrams the endowed lands can be resumed, the temple - and the chattram being left under the management of Mr.Krishnasami Rao for which there is a separate appreciable income realized from the -- shops attached to them. If at any time in future, it is proved that the temples are similarly mismanaged action may be taken under Sections 17 and 18 of the Muzrai Regulation. Though the grants for the two - objects seem to be simultaneous, I am of opinion that the principles to be applied to the cases differ. In the case of the chattram, the -- lands endowed can be resumed as the object has failed and there is no need to keep up a charity of this kind, while in regard to the temple such steps as may be necessary for its continuance under proper ----- management may be taken.

8. If, as proposed above, the inam lands are resumed the question of their disposal has to be considered. Out of the amount due by the ryots under the orders of 26th November 1915, and 9th June, 1916, only a very small amount seems to have been recovered, leaving a sum of Rs.21,000/- still to be realized. The exact amount to be still recovered as also the arrears of gutta is not mentioned in the ---- several reports submitted by the Deputy Commissioner but from the petition presented to Government by Mr. Krishnasami Rao in October 1928, it will be seen that the ryots have failed to pay arrears of gutta due for 7 years prior to the order of 1913 and the full ------ consideration stipulated in the subsequent orders of 1915 and 1916 and the arrears of dry assessment due to the charities. Thus the amount to be recovered seems to be quite substantial and may come - up to nearly Rs.30,000/-. Out of the funds of the charities, a sum of Rs.4561-14-3 has been sanctioned for the construction of a suitable building for the Sarada Vilasa High School and a further sum of ---- Rs.4964/- has been invested as a permanent endowment fund for the -- benefit of the charities under the authority of Government Order No. 256-60/Muz.213-26 dated 2nd August 1928. As most of the ryots have failed to take advantage of the favourable terms offered by Government in respect of the lands at Kachanahalli and have not therefore secured occupancy rights, a last chance may be given to them to pay the amounts due to the charities and if they fail to do so within a fixed time, - the lands may be taken back and sold in public auction.

9. Wet-lands in this locality are very valuable and are sure to fetch at least Rs.600 to Rs.1000/- per acre and by the sale of the wet and dry lands a large amount will be realized. It seems to me that the amounts realized either by payment of arrears by the ryots or by sale of lands cannot be better spent than building one or two --- chattrams in the Mysore City for the use of all classes of the public who come there during the Birthday, Dasara and other festive occasions. The annual income from the Arjunahalli lands and from the 25 acres of Irrigable land at Kachanahalli given back by Government to these charities may be utilized for the maintenance of the chattrams to be newly --- founded in Mysore City. If on the other hand, the ryots pay the --- arrears due, the assessment on the lands to be recovered annually may be similarly utilized for the same purpose, surplus income, if any, being utilized for any other purpose at the option of Government.--- I beg that in view of the mismanaged state of affairs of the charities and of the urgent necessity to place them on a satisfactory basis, early orders of Government may kindly be passed.

10. The entire file of records is submitted for reference and ---- return.

I have the honor to be,

Sir,

Your most obedient servant,

Muzrai Commissioner.

In the Court of the Deputy Commissioner, Mysore District
H. 8/A.C.
Dated 3rd July 1928.

Present A. V. Ramanathan, Esq., B.A., Deputy Commissioner, Mysore District.

Petitioner	Counter petitioner.
Government	Mr. N. Krishnaswami Rao, Manager, Sri Subramanyaswami temple and Chattram attached thereto, Kalyani Maidan, Mysore City.

Enquiry under Section 8 and 13 of the Muzrai Regulation. and section 18 of the Mysore Religious and charitable Institutions Regulation of 1927.

Facts of the case.

Sri Subramanyeswaraswamy temple and the chattram situated in - Kalyani Maidan, Mysore City, built by the late Mr. Bhakshi Narasappa together with the marginally noted Inam lands endowed to them were - taken under Government management as per Government order No.2523-4/ Muz.F.100-23 dated 23-2-1924 provisionally subject to reconsideration when the minor (the adopted son of Bhakshi Narasappa) attains his -- majority. It was further ordered that a scale of income and expenditure should be prepared and submitted for sanction and that four --- gentlemen including the Vice President of the City Municipal Council, Mysore, were appointed as Dharmadarsis to supervise the affairs of the temple and the Chattram.

Area under survey and settlement Assessment.
462 acres. Rs.305-11-0

Yedatore Taluk. before survey and settlement
1. Kachonahalli kaval wet. Area A. K. P. 23 18 - 3 1- 0- 3 Assessment Rs.174- 8- 9
2. Arjunahalli

On the application of Mr. N.Krishnaswami Rao, the present Manager, stating that he attained majority and praying that the charities with their endowments might be returned to him, the Secretary to Government Muzrai Department, called for the submission of a report in the matter.

On the recommendation of the Deputy Commissioner, Mysore District, stating that the temple and the chattram with the endowed lands might be returned to Mr. N. Krishnaswami Rao on the condition that should there be any room for complaint of mismanagement for a period of two years, steps might be taken to deprive him of the management, Government in their order No.53-5/Muz.323-26-14 dated the 14th July 1913 -- approved of the recommendation and further directed that a Kutchanama should be obtained from Mr. N.Krishnaswami Rao to keep regular accounts of income and expenditure relating to these institutions and submit an annual account through the Deputy Commissioner, Mysore District, a copy of the Government order together with the vernacular records to be forwarded to the Sub Division Officer Mysore for taking further action.

Out of the area endowed to the temple and the chattram - attached to it, an extent of 1-4 acres and 9 guntas was newly ---------

newly irrigated by the extension of the Chamaraja Right Bank Channel. In accordance with the G.O.No.2831-5/Muz.178-15-4 dated 9th June 1916 half the irrigable area, viz., 77 acres 4 guntas was surrendered to Government and an extent of 25 acres out of the surrendered area was also granted to the Vhivatdar for the benefit of the charities.

Consequent on the reorganisation of the Minor Muzrai Institutions, the Special Muzrai Sheristedar, Mr. Y. Sitharama Rao, inspected the institution on the 27th November 1917 and solicited instructions in the matter of preparation of a scale of income and expenditure in respect of the above institutions as the contribution amount due from the ryots had not been fully recovered. The Muzrai Superintendent in Mysore, in forwarding the above report requested the Deputy Commissioner to furnish his opinion.

The Amildar, Mysore Taluk, who was directed to obtain and submit the income and expenditure of the institution for the preparation of a scale, reported that in spite of repeated communications in the matter to the Manager of the Chattram (Mr. N. Krishnaswami Rao) no reply was received from him and solicited further instructions in the matter.

The Amildar was again requested to submit the mutchalika, obtained from Mr. N. Krishnaswami Rao undertaking to keep regular accounts of income and expenditure relating to the institutions and to state as to whether annual accounts reports, in respect of institutions are being received as required in Government order dated 4th July 1913 referred to above, he reported that the original vernacular records forwarded with the Government Order directing the Amildar to hand over possession and management of the Charities together with their endowments are not forthcoming in his office, that Mr. N.Krishnaswami Rao has refused to submit accounts stating that the Government have no powers to enter into the affairs of the institutions and that he (Amildar) is not even allowed to inspect the temple and the Chattram.

As Mr. Krishnaswami Rao has refused to comply with the orders of Government and as the lands endowed to the institution are Dharmadaya Inam a recommendation was submitted to the Muzrai Commissioner, in Mysore --- Bangalore, requesting to bring the lands under attachement and take over the management of the properties and the institutions.

A petition received from one T.Ramakrishnaiya, Weavers Lines, Mysore enclosing a copy of order in Mis.No.121 of 24-25 on the file of the Court of the Sub Judge, Mysore ~~xxx~~ permitting Mr. M.L. Vardhamanaiya, to prosec

osecute Mr. N. Krishnaswami Rao, the present Manager of these institution or having given as security to the court the Inam lands endowed to these institutions with the idea of cheating Mr. M.L. Vardhamanaiya, in the case was also submitted to the Muzrai Commissioner for orders.

The Muzrai Commissioner returning the records has requested the -- Deputy Commissioner to take action under sections 8,9 and 13 of the Muzrai Regulation. Hence this enquiry.

O r d e r.

I have heard the Counsel for Mr. Krishnaswamy Rao, studied the documents and records and inspected the Chattram and temple this day.

1/ The Chattram building is in a state of bad repair. The roof is country tiled, the floor is of mud, the walls have no plastering in parts. The Counsel told me this day during inspection that 8 students are being fed in the Chattram,. Beyond the kitchen which also is dark and with mud floor, 2 rooms on either side of the entrance given to a Jeever and another old person, there is no space for any travellers or other -- persons. The main hall and adjacent room have been let out to Sakuntala Dramatic Company lately. The shops are all let out at varying rents, including K.N.Narasimhayya Press. They are in a busy locality and even more rent can be got if leased out afresh after advertisment. The whole of the upstairs is given free to the Sarada Vilas Primary and Middle -- School and this protion is clear and is a substantial charity.

2/ The Subrahmanyeswara temple is in good repair and worship is said to be conducted regularly. It attracts devotees at all times of the day. The Sri Anjaneya temple is also in a fair state of repair, though some -- mortar painting is needed.

3/ The stand taken by Mr. Krishnaswamy Rao that the Institutions do not come within the Muzrai Regulation ~~1927~~ Mysore Religious and Charitable institution Regn 1927 is untenable. He bases his -- contention on two points, firstly that the lands in Yedatore Agrahara in Arjunahally and Kachavanahalli Kaval are not lands granted as Inam xx to the Charities, and secondly that the late Pakshi Narasappa has definitely -- stated in his will that only Rs.2035-3-4 out of his estate need be spent on the charities and no more. The first point is disproved by the very documents replied upon and produced by Mr. Krishnaswami Rao. In sheph -- given to the late Pakshi by the Ashtagram Division Superintendent, dated 1 May 1861, the lands in Arjunahalli Kaval and Kachavanahalli Kaval are -- expressly referred to as given as Inam according to Mamul for the benefit of

of the chattram. Again in his will, the late Bakshi Narasappa has stated that these two kaval lands have been given by the Government to the chattram. The Inam settlement has entered these accordingly as Dharmadaya.

As regards the second point, the entire will so far as it ---- relates to charities must be construed and not merely the one sentence "Rs.2035-3-4 should be spent. It is not necessary to spend more" If one reads on, he finds that the testator considered that the endowed properties namely the shops for the temple and the two kaval lands for the chattram would not be enough and therefore be directed that the deficiency should be made up from the income of his private estate i.e. to the extent of 130 candies from the proceeds of Subrahmanya pura village and the balance from the revenues of sarvamanya Melara -- village. It is clear therefore that the testator never considered the possibility of the endowment estate yielding more than Rs.2035-3-4. His one anxiety was that his private estate should not be saddled with too much responsibility for the charities and that his descendants should not tax him for it. There is no desire apparent that his descendants should profit from the endowment. And even if the will said so, it would obviously be inoperative to that extent as no testator can will away what does not belong to him.

I find therefore that the main contention of Mr. Krishnaswami Rao is untenable.

It now remains for me to decide whether there has been misapplication or misappropriation or breach of trust requiring action under Section 18 of the Mysore Religious and Charitable Institutions Regulation.

Mr. Krishnaswami Rao has declined to render accounts regularly as prescribed in Government Order of 1913 under section 13 of the Mysore Muzrai Regulation and section 27 of the Mysore Religious and Charitable Institutions Regulation. Today his counsel said that accounts were not furnished as they were not demanded. This is a lame excuse, but if this were the only default, I could give time and get the accounts.

But Mr. Krishnaswami Rao has denied the trust itself. There can be no greater act of breach of trust than its very repudiation. And he has acted on such attitude of repudiation by offering trust property as security in a Civil Court as if it were his own. (Vide his pleadings in this court, his deposition before the Sub Judge, Mysore) in execution

execution No.960 of 23-24 copy produced by himself and the order -- of the Sub Judge Mysore in Mis.No.121 of 24-25.)

On the above ground, I hold that Mr. Krishnaswami Rao has -- committed breach of trust in respect of the Dharmadava lands in Kachavarahalli Kaval and Arjunahalli Kaval village, and of the Sri Subrahmanyasara and Aneneya temples, and the chatram in Kalyani Maidan Mysore and direct that the Institutions and the properties be taken under section 18 of the Mysore ~~Hindu~~ Religious and Charitable Institutions Regulation, under the management of the Government.

This order will be submitted for the previous sanction of the Government under the said Section.

(Sd.) A.V. Ramanathan,
Deputy Commissioner.

"C o p y"

For Muzrai Commissioner.

Letter No.C.320 of 17-18 (Muz. dated 26th May 1926 from the Deputy Commissioner, Mysore District to the Muzrai Commissioner in Mysore.

In submitting herewith the file of vernacular correspondence ending with the Mysore Taluk Amildar's report No.161 of 1924-25 dated 29-4-1926, I have the honor to state as follows:--

Sri Subramanyeswaraswami temple and the chattram built by the late Mr. Bhakshi Narasappa in Mysore City together with the marginally noted Inam lands endowed to them were taken under --- Government management as per G.O.No.2523-4/Muz.F.100-02 dated 23-2-1904 provisionally subject to reconsideration when the minor (adopted son of Bhakshi Narasappa) attains his majority. It was further ordered that a scale of income and expenditure should be prepared and submitted for sanction and that the marginally noted

1. Mr. Shama Rao, (natural father of the minor 2. " C. Venkata Rao, B.A., 3. " M. Venkatakrishnaiya 4. The Vice President of the City Municipal Council, Mysore.	) gentlemen were -) appointed ------) Dharmadarsis to

supervise the affairs of the temple and the chattram.

On the application of Mr. N. Krishnaswami Rao adopted son of the late Mr. Bhakshi Narasappa; stating that he attained -- majority and praying that the charities with their endowments might be ordered to be restored to him, the Secretary to Government, Muzrai Department, called for the submission of a report in the matter.

A recommendation was made in this office letter No.328 dated 19/21st January 1911 to the effect that the chattram and the temple together with the endowed lands might be restored to Mr. N. ---- Krishnaswami Rao, on the condition that should there be any room for complaint of mismanagement for a period of two years steps -- might be taken to deprive him of the management of the charities etc.

Government in their order No.33-5/Muz.323-08-14 dated the 4th July 1913 approved the recommendation of the Deputy Commissioner and further directed that a mutchalika should be obtained from Mr. N.Krishnaswami Rao, binding him to keep regular accounts of and expenditure relating to these institutions and submit account through the Deputy Commissioner, Mysore District.

Copy of the Government order together with the vernacular of correspondence was forwarded to the Sub Division Officer, for taking further action in the matter.

Taluk.		Before survey and Settlement Area. K.	P.	After settlement. Extent Acres	Guntas	assessment
Yedatore	1. Kachoovanahalli Kaval wet	23	3)	462	3	Rs.305-11-0
	2. Arjunahalli	1	13)	Rs.174-8-9		

Consequent on the reorganisation of the Minor Muzrai - institutions, Mr. Y. Sitharama Rao, the Special Sheristedar, reported that as an extent of 154 acres 9 guntas out of the Inam land was newly irrigated by the extension of the Chamaraja Right Bank Channel and as the contribution amount due from the ryots in accordance with the Government Order No.2831-5/Muz.178-15-4 dated 9th June 1916 had not been fully recovered solicited instructions in the matter of preparation of a scale of income and ~~exp~~ expenditure in respect of the above institutions.

The Muzrai Superintendent of Mysore, in ~~forwarding~~ forwarding the above report requested the forwardal of the opinion of the Deputy Commissioner.

The Amildar, Mysore Taluk reported that inspite of Yadies addressed to the Manager of the Chattram (Mr. N. Krishnaswami Rao) to submit the income and expenditure of the charities, no reply has been received from him.

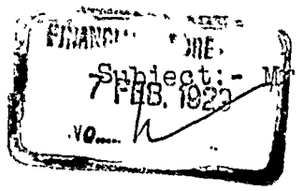
Again, orders were issued to the Amildar to submit the original file of vernacular correspondence together with the -- Mutchulka obtained from Mr. N. Krishnaswami Rao while restoring the charities as required in G.O. of 4th July 1913. He now ---- reports that the original file of vernacular correspondence is not forthcoming in his office, that Mr. N. Krishnaswami Rao has refused to submit the account stating that the Government has no powers to enter into the affairs of the charities (Flag A.) and that the Amildar is not even allowed to inspect the chattram and the temple.

As the lands endowed to the charities are Dharmadaya and as he has refused to comply with the orders of Government, I request sanction to bring the lands under attachment and take over management of the properties and the Institutions.

"C o p y"

For Muzrai Commissioner.

Letter No.R.H.8/A.C. dated 4th July 1928 from the Deputy Commissioner, Mysore District to the Muzrai Commissioner in Mysore.



Subject:- Mr. Phakshi Narasappa's charities-mismanagement.

With reference to your letter No.C.1368 of 25-26 dated 9/10th July 1926 regarding the mismanagement of late Mr.Phakshi Narasappa's Charities, Mysore, I have the honor to submit herewith a copy of my order passed in the case and to request that sanction of Government under Section 18 of the Mysore Religious and Charitable Institution Regulation may kindly be obtained for taking over the management --- under Government control.

"C o p y"

M. Chennaiya

For Muzrai Commissioner.

SUBJECT.....

.....

.....

Section Mez

File No. 3 – 26

Serial No. 9.

No. 1788

Diary No. of letter replied to.....

General and Revenue Secretariat

( )

the *192*

To

.....Mr. Supdt. Rev Survey.

Date of issue 4/3/29

Sir,

(Signed by N. Sundararaja Iyengar

I am directed to request that you will be so good as to send up for reference extracts copies of the detailed Inam registers pertaining to the Grant of lands in Anjanahalli and Kachanahalli Kaval in the Yedatore Taluk, as inam for the maintenance of the temples and chattrams of the late Mr Baptiste Nara Sappa's over

List of enclosures .....

Copied by.....

Examined by.....

Situated in Kalyani Maidan
Mysore city, together
with copies of the Statement
and other Documents if
any, filed at the time
of the Main Settlement
of the said Lands.

I have etc

Dated) Advocate

No. 156 Rec 1

30 APR. 1929 No. 6631

MAY 1929 No. 1660

OFFICE OF THE SUPERINTENDENT,
MYSORE REVENUE SURVEY,
Dated, Bangalore, ... 27th April 192 9

GENL. & REV. 30 APR. 1929 FINANCIAL BRANCH.

FROM

D. SRINIVASA IYENGAR, Esq., B.A.,
Superintendent, Revenue Survey and Settlements in Mysore.

To

B. Sreenivasa Iyengar, Esq., B.A., B.L.,
Financial Secretary to the Government of
His Highness the Maharaja of Mysore, Bangalore.

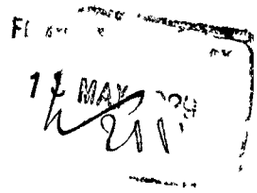
SIR,

As desired in your letter No.1788/Muz.3/26 dated the 4th March 1929, I have the honour to forward herewith an extract from the Inam registers pertaining to grant of Inam lands for the maintenance of the temple and chatram in Kalyani Maidan, Mysore City, the charities of the late Mr. Bakshi Narasappa. The lands endowed are in Mirle and Kachunahalli in Yedatore Taluk. No grant of lands in Arjunahalli village is traceable in the Inam records.

I have the honour to be,
Sir,
Your most obedient servant,

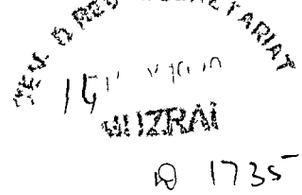
Assistant Commissioner,
For Superintendent.
(Absent from station)

DSN



To

The Secretary to Government,
Financial and Muzrai Department,
Bangalore.



Sir,

I understand that the case relating to Rao Bahadur Bakshi Narasappa's Charities (Chatram and Temple) and its endowed Inam Lands is before Government. I beg that an opportunity may kindly be given to me to place before Government Sannads, Firmans, Civil Court decesions and other documents to represent all the facts connected to with the above charities, before Orders of Government are passed there on. If the date of hearing is kindly intimated to me, I shall appear before Government.

I beg to remain,

Sir,

Your most obedient servant,

N. Krishnaswamy Rao

Mysore,
11th May 1929.

N. Krishnaswamy Rao,
C/O Late Raya Bahadur
Bakshinarasappa, Mysore.

M.407/1575

60

16 MUZRAI

D. 1751

To

Rajakarya Prasakta,
Dewan Bahadur M.N. Krishna Rao, Esq., B.A.,
First Member of Council to the Government
of His Highness the Maharaja of Mysore,
Bangalore.

Sir,

I understand that the case relating to Rao Bahadur Bakshi Narasappa's Charities (Chatram and Temple) and its endowed Inam Lands is before Government. I beg that an opportunity may kindly be given to me to place before Government Sannads, Nirupas, Civil Court decesions and other documents to represent all the facts connected ~~to~~ with the above charities, before Orders of Government are passed there on. If the date of hearing is kindly intimated to me, I shall appear before Government.

I beg to remain,

Sir,

Your most obedient servant,

N. Krishnaswamy Rao

Mysore,
11th May 1929.

N. Krishnaswamy Rao,
S/O Late Raya Bahadur
Bakshinarasappa, Mysore.

F G—1

SUBJECT..... .....

....

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Section 2 3

File No. 3 - 26

Diary No. of letter replied to.....

Serial No. 10

No.

General and Revenue Secretariat

( )

the *192*

To

..... The M. C. .....

Date of issue.....

Signed by.....

st of enclosures.....

Copied by.....

Examined by.....

Sir,

Adverting to correspondence ending with your letter 1368 dy 12th Feby 29 re the management of the late Basavaraja Sappa's charities at Mysore, I am directed to enquire if a copy of the D. O. order dy 3 y. 1928 in my case no. H-Q/A.C on the subject was communicated to the petr who, if he feels aggrieved by it can file a suit in the Court of the

over

of the Dist judge for
Cancellation of the order—
I am to observe that some
certain Lands of the insms are
stated to be in the Anjunahalli
Village records to your Dist while according to
the Books of the Inam Deptt
there are no Lands belonging
to these insms in the said Inam lands in Mirle
said village & that the ~~Lands that the~~ village
~~Inam Deptt has also~~
reports that the difference
may kindly be enquired into
& a further reported
submitted for orders of Govt
2) The entire records are
herewith returned for reply &
return.

I have etc

[illegible]
1878

[illegible] Secy

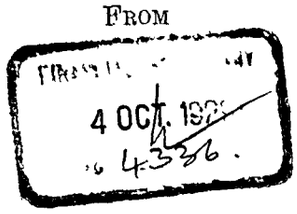
69

OFFICE OF THE MUZRAI COMMISSIONER IN MYSORE,

Bangalore,....1st October..... 1929.

No.

FROM



The Muzrai Commissioner in Mysore

To

The Deputy Commissioner,
Mysore District

5.10.29
D.No. 602

SIR,

With reference to your letter .....T.3/A.C. dated 24th September 1929 re Dakshinamurasappa's conditions in Mysore, I have the honour to observe that the former portion of the Financial Secretary's letter .345/Mus.3-36-10 dated 1st August 1928 as to whether the order passed by Mr. A. V. Ramanathan on 3rd July 1928 was communicated to the petitioner or not has not been answered. I request to be informed whether it was done or not if so, on what date and whether Mr. Krishnamurasappa made a Balcony petition to get the order cancelled. The matter may be treated as the present one reply sent on 15th October 1929.

I have the honour to be,

Sir,

Your most obedient servant,

Sd/- [illegible]

For Muzrai Commissioner.
5.10.29

D.No. 602

725 Ex 4/5/4/10/29.
28-9.

soon as the Deputy Commissioner's reply to the above reference is received.

2. The file of vernacular papers is sent for reference.

For Huzrai Commissioner.

Letter No.A.8/A.C. dated 4th September 1929 of the Deputy Commissioner, Kolar District to the Muzrai Commissioner, Bangalore.

Lands - Kodatore Taluk - endowed to Bakshi Narasappa's charities

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With reference to your memo No.725 of 29-29 dated 22nd August 1929 requesting further information on the details of lands endowed to the late Bakshi Narasappa's charities, I have the honor to state that the Amildar of Kodatore Taluk reports, after necessary enquiry that no inam or similar land of Arjunahalli village has been endowed the Bakshi Narasappa's charity and that the only villages where lands are endowed to the charity are Kodurvina alli, and Kirle.

2. The four files of enclosures received with your memo are herewith retransmitted herewith.

"C o p y"

For Muzrai Commissioner.

IAL [illegible] OFFICE OF THE MUZRAI COMMISSIONER IN MYSORE,

1 NO

No. 5298

Bangalore, 29th October, 192[illegible]

1/11.

2085 Sub
28-9.

19737
Inam 3-26-11

FROM

Rajakaryapravina
T. G. D'Souza, Esq., B.A., B.L.,
The Muzrai Commissioner in Mysore.

GENL. & REV. SECRETT.

To

Rajasevaparayana
B. Srinivasa Iyengar, Esq., B.A., B.L.,
Secretary to the Government of His
Highness the Maharaja of Mysore,
Financial Department.

SIR,

In continuation of this office Memo No. C.7[illegible]/10-11 dated 4-10-[illegible] re affairs of the late Mr. Thathi Venkatappa Chetties of Mysore, have the honor to forward herewith copy of letter No.H.8/A.C. dated 2-10-11 from the Deputy Commissioner, Mysore District, intimating the action taken by Mr. A. V. Ramanathan on 3rd July 1911 on the subject has not yet been communicated to Mr. Krishnaswamy Rao, the previous sanction of Government under Section 10 of the Mysore Religious and Charitable Institutions Regulation, 1927 is required thereto.

I have the honor to be,

Sir,

Your most obedient servant,

Muzrai Commissioner.

MK

Letter No.F.6/A.C. dated 21-10-38 from the Deputy Commissioner, Mysore District, to the Muzrai Commissioner in Mysore.

Mismanagement - Phakshi Narasappa's Charities.

With reference to your letter No.725 of 38-9 dated 1st/4th October 1938 on the above subject, I have the honor to state that the above order passed by this office on 3rd July 1938 has not yet been communicated to Mr. Krishnaswamy Rao, as previous sanction of Government thereto under section 18 of the Mysore Religious and Charitable Institutions Regulation of 1927, is necessary and has been sought for in this office letter No. No.H.8/A.C. dated 10th July 1938.

"COPY"

For Muzrai Commissioner.

3 FEB. 1930
No. M. 3

To

The First Member of the Executive Council,

Government of M y s o r e,

B a n g a l o r e.

420
10.2.30

1275

Honoured Sir,

No sooner did I come to town today than I was served with a Notice from your honour's Court that Muzrai Appeal No.24 of 29-30 will be heard on 17-2-30. In this connection I beg to state that a few copies of Government Records I have to get from the General and Revenue Secretariat and the Survey Office, though I have applied for them long time back. Further as the hearing date is so very near I find it rather difficult to engage a capable Counsel and give him instructions, regarding the case in so short a time.

For the foregoing reasons I request your honour may be pleased to adjourn the said case twenty days hence from the present date of hearing.

Begging to be excused for the trouble and thanking your honour in anticipation.

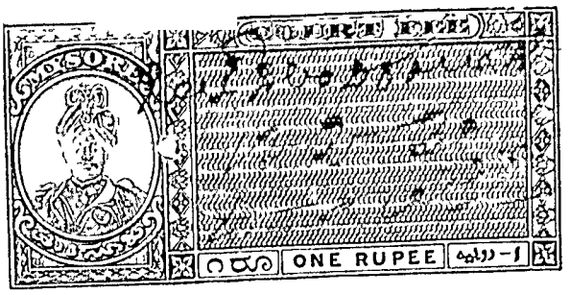
Yours Obediently,

Krishnaswamy Rao

M y s o r e.
12th February 30.

Son of Late Rai Bahadur Bakshi Narasappa, doddapet, Mysore.

ಂರೂ NE RUPEE ಷಾ-1



Before the Government of His Highness the Maharaja of Mysore, Bangalore ಕೋರ್ಟಿನಲ್ಲಿ.

19 2 1—19 2 2ನೇ ಇ:ವಿ ..... ಮೊಕದ್ದಮೆ ನಂಬರು 214

ವಾದಿ:— ಪ್ರತಿವಾದಿ:—

Appt
N. Krishnaswamy Rao } Vs {
filed today
15/2/22

ಅಡ್ವೊಕೇಟ್

ಮಾ॥ ರಾ॥ ಶ್ರೀ. ಸುಂದರರಾವ್, ಬಿ. ಎ. ಎಲ್. ಎಲ್. ಬಿ. ಯವರಿಗೆ
Sundara Rao, B.A. B.L., Advocate 240 Chickpet Bangalore

ಬರಸಿಕೊಟ್ಟ ವಕಾಲತ್ನಾಮಾ

ನಾನು ಮೇಲ್ಕಂಡ ಮೊಕದ್ದಮೆಯಲ್ಲಿ ..... ಆಗಿ ಅಪ್ಪೀಲುವರೆಗೂ ಕೋರ್ಟಿನಲ್ಲಿ ವಿವಾದ ಜರುಗಿಸಲಿಕ್ಕೂ ..... ಪರವಾಗಿ ಆಗುವ ಎಲ್ಲಾ ವಿಧವಾದ ಆರ್ಡರನ್ನೂ, ಡಿಕ್ರಿಯನ್ನೂ, ಜಾರಿಕ್ರಮ ವಗೈರೆಗಳನ್ನೂ ನಡೆಸಿ ಹಣ ವಸೂಲ್ಮಾಡಿಕೊಳ್ಳುವುದಕ್ಕೂ, ಕೋರ್ಟಿನಿಂದ ..... ಸಲ್ಲಬೇಕಾಗುವ ಡಿಕ್ರಿಮೊಬಲಗು, ಶಿಲ್ಕುಮೊಬಲಗು ಮತ್ತು ರೀಫಂಡಾಗತಕ್ಕ ಮೊಬಲಗು ಮತ್ತು ಸ್ಟಾಂಪನ್ನು ಪಡೆಯಲಿಕ್ಕೂ, ದಸ್ತೈವೇಜು ವೆಗೈರೆಗಳನ್ನು ಮತ್ತು ಈಸಂಬಂದವಾದ ಇತರ ಕಾರ್ಯಗಳನ್ನು ಮಾಡುವುದಕ್ಕೂ, ವಾಪಸು ಪಡೆಯಲಿಕ್ಕೂ ಸಹ ಈ ಮೂಲಕ ತಮಗೆ ಸಂಪೂರ್ಣ ಅಧಿಕಾರವನ್ನು ಕೊಟ್ಟಿದೆ.

ಈ ಆಧಾರದ ಮೇಲ್ಕೆ ತಾವಾಗಲೀ, ತಮಗೋಸ್ಕರ ಮತ್ತ್ಯಾವ ಲಾಯರಾಗಲೀ, ಡಿಟೋ ಮೊಕದ್ದಮೆಯಲ್ಲಿ ನಡೆಸುವ ಕೆಲಸಗಳನ್ನು ..... ಖುದ್ದು ಇದ್ದು ನಡೆಸಿದಂತೆ ಒಪ್ಪಿಕೊಳ್ಳಿಲು ಬದ್ಧ..... ಗಿಧೇ

..... ತಮಗೆ ಸಲ್ಲಬೇಕಾದ ಫೀಜು ವಗೈರೆ ಬಾಕಿಯಿದ್ದರೆ ತಾವು ಈ ಮೊಕದ್ದಮೆಯ ವಿಚಾರದಲ್ಲಿ ಯಾವ ಕೆಲಸವನ್ನೂ ಮಾಡಬೇಕಾದ ಅವಶ್ಯಕವಿಲ್ಲ.

N. Krishnaswamy Rao

ತಾರೀಖು 19 2 2

ಈ ಮೊಕ್ತ್ಯಾರ್ನಾಮಾ ಅಂಗೀಕರಿಸಿದೇನೆ.

ಈ ಮೊಕ್ತ್ಯಾರ್ನಾಮಾ ಕೊಟ್ಟವರು ಪರಿಚಿತರು.
ನನ್ನ ಸಮಕ್ಷಮ ರುಜು ಮಾಡಿರುತ್ತಾರೆ.

Accepted
C. Ananthanarayana
Adv for Appt

1. Register Sheet No. 14.

Village Hirle

Hobli Hirle

2. Register Sheet No. 31

Village Kachchhumahalli.

Hobli Byrapatnahalli

both of Udupi Taluk

Register of Inams in the village of _____

CLASS, EXTENT AND VALUE OF I

Number of case or entire holding under one grant in this village	General class to which the Inam belongs	Survey No. and name of field or fields comprised in the grant. Dry, wet or garden	Extent	
			Local measure. Even where the local measure is in acres, guntas, and annas, it is to be entered in this column	Measure in acres and their fraction in decimals
1	2	3	4	
			Inferior	
51.	Dharmadaya	*Dry No. 86.	As per Sanad. K-K-P. 1-6-13	
	*Govindamchaly Value.			
	Dharma-dayam	Dry Nos	Kaccha K.K.P. 29-5-9 0-7-6.	
			28-18-3	
			Less 10% As per Govt. Order	
			11	

DESCRIPTION, TENURE AND

Old assessment	Survey assessment	Description of Inam	
Where no survey has been made and no assessment fixed by Government, the cess by the raiyats to the Inamdar, or the average assessment of similar Government land, should be entered in column 7		If for service, it is to be stated whether the service is continued. If for tanks, buildings, etc., whether they are efficiently kept up Hereditary or for life	Whether free of tax, etc., or liable to quit-rent, *i. e.*, jodi, etc., amount of latter to be entered
6	7	8	9
Vicaga Total Assessment — R 176-8-7	—	—	
Kalin Vicaga.			
Sheriff's Pte.			

By whom granted and in what year	instruments in support of the claim, original sanad, all documents, and other proofs of long possession. this column it should be stated whether the Inam is held with or without rant. whether the grant is produced or lost, etc., and the general specification terms of all documents produced should be given.
10	11
	Nil

NAME AND RELATIONSHIP OF ORIGINAL GRANTEE AND

Name of original grantee	Name entered in the register prepared by Poornah up to 1810	Name entered in the accounts subsequent to 1810
12	13	14
Mc Ware	As there are no [illegible] to Bloom [illegible] Bankim Chandra Mukherji Family	
	N.B. The Bengali entries in cols 2, 6 & 13 in Mr Bloom's own hand. Page are as in the Original	
Mahadeo Bysack		

OF SUBSEQUENT AND PRESENT HOLDERS

Particulars regarding present owner If the inam has been subdivided, the name, etc., of each sharer should be entered in the columns

Residence, name and age, etc	Relation to original grantee or subsequent registered holders	Surviving heirs of the present incumbent	If unconnected with the original holders, possession how obtained, and in what year
15	16	17	18
Myrore			Kirle Villa.
Do. Chairman and Members of Taluk Board			
Do. Chairman Taluk Board			
Do. Chairman and Members of Taluk Board			
Myrore			Kachcheme Kalli
Do. Chairman and Taluk Board			
Manager in Schools			

LENGTH OF POSSESSION

Abstract of the orders already issued by the Commissioner or the Superintendent of the Division on lapses regarding validity or excess of the Inam. Assistant's opinion and recommendation.	Review by the Special Assistant and confirmation by the Inam Commissioner
19	20
9e	Asli case in this Village. The Dakli is no. 3 in R- -ter Sheet No. 31 of Kas- -ommanahalli village as per Samvat of 15th May 1861 from Asst. T. Narsipur Subordinate of Division, quoting the Secretary's No. 19 of the year 1861. The Total Bo- alone is given at Page 60 as Rs 174-4-9. No Inti. Confirmed pro- Mysore 15th Oct. 1880. (Sd) R. H. Cole Subordinate Inam Settlement
Village col 20. Dakli B. in Asali A. can- 5-1 of Middle Village. Register Sheet No. 14. Vide Asli case confirmed supra. Mysore The Oct. 1880. (Sd) R. H. Co Subordinate Inam Settl.	"copy" for Superintendent Inam Settlements. Mysore.

Proceedings of the Government of His Highness the Maharaja of Mysore.

R e a d.-

Correspondence ending with letter No. 1368/25-26 dated 6th February 1929 from the Muzrai Commissioner submitting for orders with his views the records of enquiry conducted by the Deputy Commissioner, Mysore District in the matter of the management of the Dharmadaya Inam lands of the Temple of Sri Subramanyaswami and the Chattram in the Mysore City established by the late Bakshi Narasappa.

2. Petitions dated 10th and 11th May 1929 from Mr. N. Krishnaswami Rao, son of the late Bakshi Narasappa, submitting certain representations and requesting that an opportunity might be given to him to personally explain his case.

Order No. 2749-50
Muz 3-0-2- 1/Records
Dated, Bangalore, the 30th May 1930.

The representations of Mr. Krishnaswami Rao were heard on the 21st April 1930 through his Lawyers Messrs Narasinga Rao and Sundara Rao.

2. The lands endowed to the Temple and the Chattram are, according to the Inam Settlement, the Dharmadaya grant made to them and Mr. Krishnaswami Rao is only the Manager of these lands and yet he contends that the Temple and the Chattram are not Muzrai institutions and that the endowment lands are not Dharmadaya Inam but Personal Inam. The enquiry held by the Deputy Commissioner shows that Mr. Krishnaswami Rao is also responsible for the following acts of commission or omission which are inconsistent with his position as the Manag

of the Institutions or which indicate his incapacity to discharge the duties of the Manager:-

(1) Non-compliance by him during the last sixteen years with the direction of Government contained in the G.O.No. 33-5/Mus.323-08-14 dated 4th July 1913 that he should give an undertaking to keep regular accounts of the income and expenditure relating to the Institutions;

(2) Non-submission by him during the last sixteen years of annual reports on the management of the Institutions as required by the G.O. No.33-5/Mus.323-08-14 dated 4th July 1913;

(3) Non-submission by him of particulars required for fixing a scale of income and expenditure for the Temple and the Chattram;

(4) Denial by him of the right of Government to enquire into the proper management or otherwise of the affairs of these Muzrai Institutions;

(5) The non-collection by him of a large amount - exceeding Rs 20,000 - ~~of arrears of revenue~~ due by ryots allowed to cultivate the Inam lands of the Institutions;

(6) His not allowing the Amildar even to inspect the Temple and the Chattram;

(7) His offer of 25 acres of lands forming part of the Inam endowment of the Institutions as security for a private loan;

and (8) His claim that only a part of the income from the Dharmadaya Inam lands need be spent upon the Chattram and the Temple and that the balance, if any, is his own personal property.

3. It is clear from what is stated above that there has been long and persistent mismanagement of the Inam lands of the Institutions and that it will not be in their interests to permit Mr. Krishnaswami Rao to be the Manager. The conditions of grant of the Dharamadaya Inam lands are grant no.

having been fulfilled, Government have resolved to resume the said lands ~~under the Chief Commissioner's Notification No. 266 dated 17th November 1877~~ and arrange for their management for the bene fit of the Institutions.

4. The income of the lands will be kept in the Treasury and made available for the performance in the institutions of the authorised services for which it is meant. Mr. Krishnaswami Rao will as the Manager of the Institutions, obtain funds required for expenditure from time to time and submit proper accounts therefor.

5. The Muzrai Commissioner is requested to take necessary action to give effect to these orders.

W.C.C.
27.3.30

Financial Secretary to Government.

To

The Muzrai Commissioner with the records.
The Comptroller to Government.

PROCEEDINGS OF THE GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE

Read:-

Correspondence ending with letter No. 1368 of 1925-26 dated 6th February 1929 from the Muzrai Commissioner in Mysore submitting for orders with his views the records of enquiry conducted by the Deputy Commissioner, Mysore District in the matter of the management of the Dharmadaya Inam lands of the Temple of Sri Subrahmanyaswami and the Chattram in the Mysore City established by the late Bakshi Narasappa.

2. Petitions dated 10th and 11th May 1929 from Mr. N. Krishnaswami Rao, son of the late Bakshi Narasappa, submitting certain representations and requesting that an opportunity might be given to him to personally explain his case.

Order No. 2749-80 Mog 3-26-12/Revenue
Dated, Bangalore, the 29th May 1930.

The representations of Mr. Krishnaswami Rao were heard on the 21st April 1930 through his Lawyers, Messrs. Narasinga Rao and Sundara Rao.

2. The lands endowed to the Temple and the Chattram are, according to the Inam Settlement, the Dharmadaya grant made to them and Mr. Krishnaswami Rao is only the Manager of these lands and yet he contends that the Temple and the Chattram are not Muzrai Institutions and that the endowment lands are not Dharmadaya Inam but Personal Inam. The enquiry held by the Deputy Commissioner shows that Mr. Krishnaswami Rao is also responsible for the following acts of commission or omission which are inconsistent with his position as the Manager of the Institutions or which indicate his incapacity to discharge the duties of the Manager:-

(1) Non-compliance by him during the last sixteen years with the direction of Government contained in G.O. No. 33-5/Muz. 323-08-14 dated 4th July 1913 that he should give an undertaking to keep regular accounts of the income and expenditure relating to the Institutions;

(2) Non-submission by him during the last sixteen years of annual reports on the management of the Institutions as required by G.O. No. 33-5/Muz.323-08-14 dated 4th July 1913;

(3) Non-submission by him of particulars required for fixing a scale of income and expenditure for the Temple and the Chattram;

(4) Denial by him of the right of Government to enquire into the proper management or otherwise of the affairs of these Muzrai Institutions;

(5) The non-collection by him of a large amount - exceeding Rs. 20,000/- due by ryots allowed to cultivate the Inam lands of the Institutions;

(6) His not allowing the Amildar even to inspect the Temple and the Chattram;

(7) His offer of 26 acres of lands forming part of the Inam endowment of the institutions as security for a private loan; and

(8) His claim that only a part of the income from the Dharmadaya Inam lands need be spent upon the Chattram and the Temple and that the balance, if any, is his own personal property.

3. It is clear from what is stated above that there has been long and persistent mismanagement of the Inam lands of the Institutions and that it will not be in their interests to permit Mr. Krishnaswami Rao to be the Manager. The conditions of grant of the Dharmadaya Inam lands not having been fulfilled, Government have resolved to resume the said lands and arrange for their management for the benefit of the Institution.

4. The income of the lands will be kept in the Treasury and made available for the performance in the Institutions of the authorised services for which it is meant. Mr. Krishnaswami Rao will as the manager of the Institutions, obtain funds required for expenditure from time to time and submit proper accounts therefor.

5. The Muzrai Commissioner is requested to take necessary action to give effect to these orders.

For Secretary to Government,
Financial Department.

To

/ The Muzrai Commissioner in Mysore with the records.
/ The Comptroller to the Government of Mysore.

C.R.G.4.

PROCEEDINGS OF THE GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE

Read:-

Correspondence ending with letter No. 1368 of 1925-26 dated 6th February 1929 from the Huzrai Commissioner in Mysore submitting for orders with his views the records of enquiry conducted by the Deputy Commissioner, Mysore District in the matter of the management of the Dharmadaya Inam lands of the Temple of Sri Subrahmanyaswami and the Chattram in the Mysore City established by the late Bakshi Narasappa.

2. Petitions dated 10th and 11th May 1929 from Mr. N. Krishnaswami Rao, son of the late Bakshi Narasappa, submitting certain representations and requesting that an opportunity might be given to him to personally explain his case.

Order No. 2749-50/

Dated, Bangalore, the 29th May 1930.

The representations of Mr. Krishnaswami Rao were heard on the 21st April 1930 through his Lawyers, Messrs. Narasinga Rao and Sundara Rao.

2. The lands endowed to the Temple and the Chattram are, according to the Inam Settlement, the Dharmadaya Inam made to them and Mr. Krishnaswami Rao is only the Manager of these lands and yet he contends that the Temple and the Chattram are not Huzrai Institutions and that the endowment lands are not Dharmadaya Inam but Personal Inam. The enquiry held by the Deputy Commissioner shows that Mr. Krishnaswami Rao is also responsible for the following acts of commission or omission which are inconsistent with his position as the Manager of the Institutions or which indicate his incapacity to discharge the duties of the Manager:-

(1) Non-compliance by him during the last sixteen years with the direction of Government contained in G.O. No. 33-5/Muz. 323-08-14 dated 4th July 1913 that he should give an undertaking to keep regular accounts of the income and expenditure relating to the Institutions;

(2) Non-submission by him during the last sixteen years of annual reports on the management of the Institutions as required by G.O. No. 33-5/Muz.323-08-14 dated 4th July 1913;

(3) Non-submission by him of particulars required for fixing a scale of income and expenditure for the Temple and the Chattram;

(4) Denial by him of the right of Government to enquire into the proper management or otherwise of the affairs of these Muzrai Institutions;

(5) The non-collection by him of a large amount - exceeding Rs. 20,000/- due by ryots allowed to cultivate the Inam lands of the Institutions;

(6) His not allowing the Amildar even to inspect the Temple and the Chattram;

(7) His offer of 25 acres of lands forming part of the Inam endowment of the institutions as security for a private loan; and

(8) His claim that only a part of the income from the Dharmadaya Inam lands need be spent upon the Chattram and the Temple and that the balance, if any, is his own personal property.

3. It is clear from what is stated above that there has been long and persistent mismanagement of the Inam Lands of the Institutions and that it will not be in their interests to permit Mr. Krishnaswami Rao to be the Manager. The conditions of grant of the Dharmadaya Inam lands not having been fulfilled, Government have resolved to resume the said lands and arrange for their management for the benefit of the Institution

4. The income of the lands will be kept in the Treasury and made available for the performance in the Institutions of the authorised services for which it is meant. Mr. Krishnaswami Rao will as the Manager of the Institutions, obtain funds required for expenditure from time to time and submit proper accounts therefor.

5. The Muzrai Commissioner is requested to take necessary action to give effect to these orders.

For Secretary to Government,
Financial Department.

To

The Muzrai Commissioner in Mysore with the records.
The Comptroller to the Government of Mysore.

29/5

C.R.G.4.

Proceedings of the Government of H.H. the Maharaja of Mysore.

Read.-

Correspondence ending with letter No. 1368/25-26 dated 6-2-1929 from the Asst. Commr. ~~in Nursore giving brief history of~~ giving a brief history of the late Mr. Bakshi ~~Mx~~ Narasappa's Charities ~~and their management~~ and forwarding for orders with his views ~~thereon letter No R.H. 8/A.C. dated 4-7-1928 from~~ the records of enquiry conducted by the D.C., reporting the result of his enquiry Mysore District in the matter of the management of the temple of Sri Subrahmanyaswami and the Chattram in Mysore City and properties endowed thereto.

2. Petitions dated ~~10-5~~ 10th and 11th May -1929 from Mr. N. Krishnaswami Rao, son of late ~~Rai Bahadu~~ Bakshi Narasappa, Dodpet, Mysore, ~~requestin~~ presenting that the points of difference between him and the raiyats in regard to the lands endowed to the Charities in Kachamahalli Kaval, Vedatore Taluk, ~~might~~ may be referred to the Civil Court for decision.

presenting that G.O. No 1265-9 dt 4-11-1929 was passed on wrong information

~~3. Petition dated 11-5-1929 from the same person, praying~~ and that an opportunity ~~may~~ be given to him to place before Govt. certain documents and decisions connected with the case before orders are passed.

...

Order No. dated 6th May 1930.

This case was heard on the 21st April 1930 ~~and~~ when the petitioner was represented by his lawyers Messrs. Narasinga Rao and Sarla Rao.

The Muz. Commr's proposal is to leave th institutions alone and to resume their Dharmadaya lands and utilise the proceeds therefor building one or two new chattrams in the Mysore City.

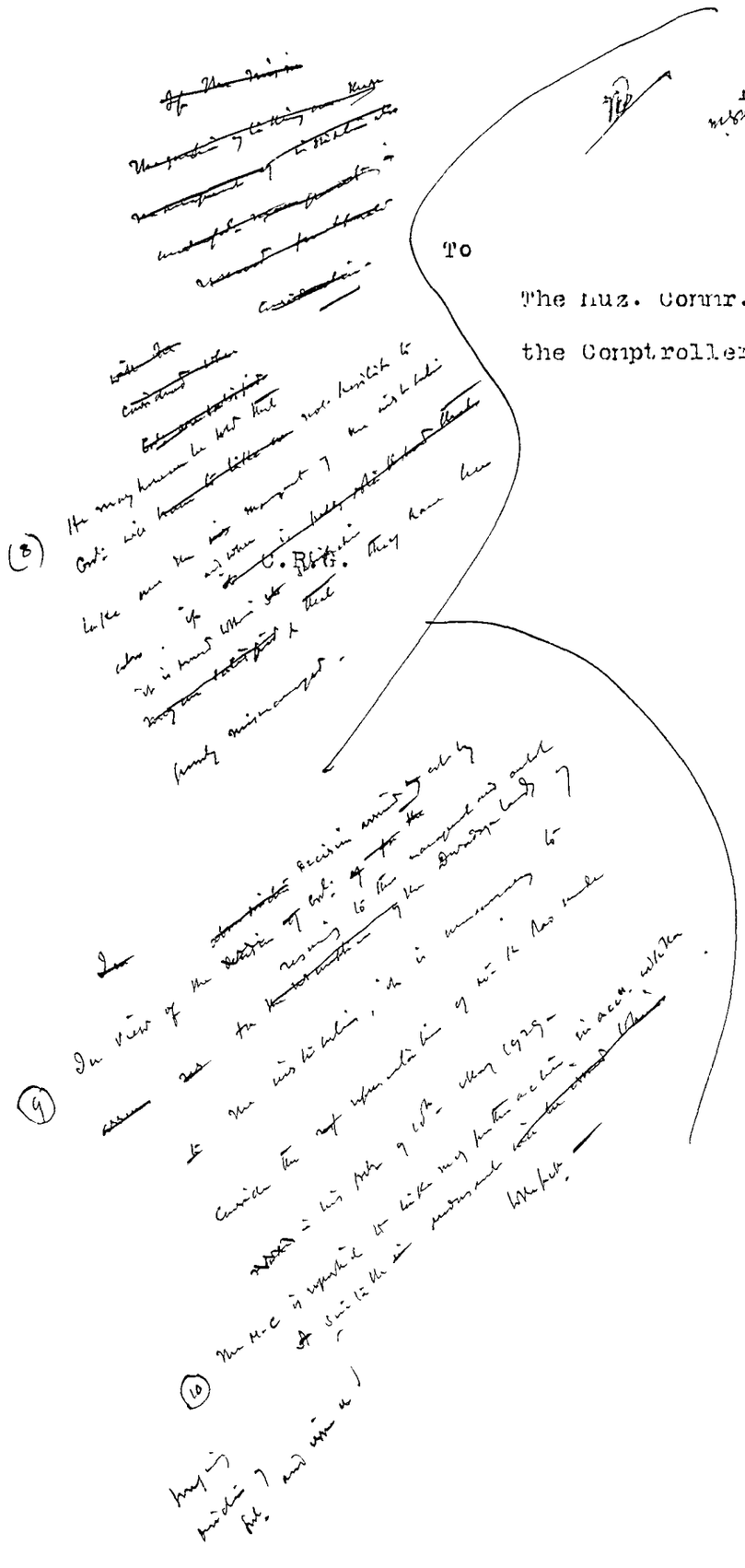
(5) Govt. are not able to accept the above suggestions. The lands from the Inam Endowment of the temple and the chattram established by the late Bakshi Narasappa and it is not fair to deprive the institutions of the endowment because the manager mismanages the lands in any way and for his faults.

Mr. Krishnaswami Rao who according to the Inam Settlement is no more than a Manager of the lands is reported to be responsible for various acts of commission or omissions which are inconsistent with his position as manager or which indicate his incapacity to discharge his duties as manage

(3) And Govt. are pleased to direct that Mr. Krishnaswami Rao should no longer be permitted to be manager of the Dharmadaya lands endowed to the temple of Sri Subrahmanyaswami and the annachattram in the Mysore City, that they should hereafter be taken over by Govt. and managed for the benefit of the Charities The income of the lands will be kept in the Treasury and made available for the performance in the institutions of the services for which it is meant.

(7) Mr. Krishnaswami Rao may, however for the present, continue to be the manager of these institutions, he should be required to use the income for authorised purposes and submit proper accounts regularly for the

expenditure so incurred.



rl. Secy. to Govt.

To

The Muz. Commr. in Mysore with the records

the Comptroller to Govt.